

EXHIBIT 7

JAMES v. HAMPTON, ET AL.

MARGARET RYNIER

December 21, 2017

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MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 1</p> <p>1 IN THE DISTRICT COURT OF THE UNITED STATES 2 FOR THE EASTERN DISTRICT OF MICHIGAN 3 SOUTHERN DIVISION 4 5 SYLVIA JAMES, 6 Plaintiff, 7 vs. Case No. 2:12-CV-10273 8 Hon. Paul Borman 9 HILLIARD HAMPTON, et al, 10 Defendants. 11 / 12 13 14 The Deposition of MARGARET RYNIER, 15 Taken at 3030 West Grand Boulevard, 16 Detroit, Michigan, 17 Commencing at 9:56 a.m. 18 Thursday, December 21, 2017, 19 Before Nora Morrissey, CSR-2642. 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 3</p> <p>1 ALLYSON TERPSMA 2 Warner, Norcross & Judd, LLP 3 111 Lyon Street, NW 4 Grand Rapids, Michigan 49503 5 616.752.2539 6 aterpsma@wnj.com 7 Appearing on behalf of the Defendant Fischer. 8 9 MELISSA WOJNAR-RAYCRAFT 10 The Mike Cox Law Firm, PLLC 11 17430 Laurel Park Drive North, Suite 120 12 Livonia, Michigan 48152 13 734.591.4002 14 mraycraft@mikecoxlaw.com 15 Appearing on behalf of the Defendant Anderson. 16 17 ALSO PRESENT: 18 Paul Fischer 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 JOSHUA FISHER 4 Morganroth & Morganroth, PLLC 5 344 North Old Woodward 6 Suite 200 7 Birmingham, Michigan 48009 8 248.864.4000 9 jfisher@morganrothlaw.com 10 Appearing on behalf of the Plaintiff. 11 12 JEANMARIE MILLER 13 Assistant Attorney General 14 State of Michigan 15 Department of Attorney General 16 525 West Ottawa Street, Floor 5 17 Lansing, Michigan 48933 18 517.373.6434 19 millerJ51@michigan.gov 20 Appearing on behalf of the Defendant. 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 TABLE OF CONTENTS 2 3 Witness Page 4 MARGARET RYNIER 5 6 EXAMINATION 7 BY MR. FISHER: 6 8 EXAMINATION 9 BY MS. WOJNAR-RAYCRAFT: 50 10 11 EXHIBITS 12 13 Exhibit Page 14 (Exhibits attached to transcript.) 15 16 DEPOSITION EXHIBIT 1 14 17 DEPOSITION EXHIBIT 2 39 18 19 20 21 22 23 24 25</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 5</p> <p>1 Detroit, Michigan 2 Thursday, December 21, 2017 3 9:56 a.m. 4 5 MARGARET RYNIER, 6 was thereupon called as a witness herein, and after 7 having first been duly sworn to testify to the truth, 8 the whole truth and nothing but the truth, was 9 examined and testified as follows: 10 MR. FISHER: My name is Joshua Fisher. I'm 11 one of the attorneys for plaintiff in this matter. 12 Let the record show this is the deposition 13 of Margaret Rynier taken pursuant to notice under the 14 Federal Rules of Civil Procedure. 15 Miss Rynier, I'll be asking you a series of 16 questions and your answers are given under oath. 17 Do you understand that? 18 THE WITNESS: Yes. 19 MR. FISHER: You must answer verbally so 20 that your answer can be recorded by the court 21 reporter. 22 Do you understand? 23 THE WITNESS: Yes. 24 MR. FISHER: If you don't understand a 25 question, just say so and I'll try and clarify it, and</p>	<p style="text-align: right;">Page 7</p> <p>1 A. March 14th, 1956. 2 BY MR. FISHER: 3 Q. And then can you describe your formal education, just 4 going from college forward. 5 A. Graduated from college in 1978 or '9. Started law 6 school in 1979. Graduated in 1982, and then I had a 7 judicial clerkship and started with the Wayne County 8 Prosecutor's Office in 1985. 9 Q. What college did you go to? 10 A. University of Detroit. 11 Q. And your major? 12 A. Broadcast management. 13 Q. And you got a degree in that? 14 A. Correct. 15 Q. And then for law school where did you go? 16 A. University of Detroit. 17 Q. Okay. Did you get any other graduate degrees? 18 A. No. 19 Q. Are you a member of any professional associations? 20 A. American Bar Association, Michigan Bar Association I 21 believe still. I think that's it. 22 Q. As far as the ABA goes, are you on any ABA committees? 23 A. No. 24 Q. Are you familiar with the ABA Standing Committee on 25 Professional Discipline?</p>
<p style="text-align: right;">Page 6</p> <p>1 you have to let me finish my question before you 2 answer just so the court reporter can get everything 3 on the record, and the same thing applies to me if I 4 cut you off or anything, try to be good. 5 THE WITNESS: Okay. 6 MR. FISHER: So, we can get everything 7 down. If I interrupt you or you haven't completed 8 your answer, just let me know and I'll let permit you 9 to finish. 10 Even though I think this should be pretty 11 quick, if you do need a break for any reason, just let 12 me know. I might have to finish a line of questioning 13 but I think any time you do, just let me know we'll 14 take a break. 15 THE WITNESS: Okay. 16 EXAMINATION 17 BY MR. FISHER: 18 Q. What's your full name? 19 A. Margaret Rynier. 20 Q. No middle name? 21 A. Initials NS. 22 Q. What's your date of birth? 23 MR. FISHER: Women don't like answering 24 that. 25 MS. MILLER: It's background. It's okay.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Am I familiar with it? Yeah, I know it exists. 2 Q. How about the ABA Standing Committee on Judicial 3 Independence? 4 A. I know it exists. 5 Q. But you don't have any affiliation with it? 6 A. No. 7 Q. Can you please describe your complete employment 8 history going from the time you graduated college, not 9 before college, just from college on. 10 A. I actually can't, not complete. I know that -- I can 11 tell you since law school because it's much easier. I 12 mean during law school I clerked. I can't tell you 13 the firm names anymore. 14 Q. If you don't remember -- 15 A. I don't, I'm sorry. 16 Q. I mean that's an answer. 17 A. I know that since law school I had a judicial 18 clerkship and then Wayne County Prosecutor's Office. 19 Q. Okay. And how long were you at the Wayne County 20 Prosecutor's Office? 21 A. 1985 until January of 2011. 22 Q. And after the Wayne County Prosecutor's Office? 23 A. Judicial Tenure Commission. 24 Q. Where you are still working? 25 A. Correct.</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 9</p> <p>1 Q. What was your position at the Judicial Tenure 2 Commission when you started there? 3 A. Staff attorney. 4 Q. And you're still staff attorney? 5 A. All of us are, yes. 6 Q. And who hired you at the JTC? 7 A. I understand the Commission. 8 Q. But it wasn't an individual that interviewed you and 9 hired you? 10 A. Oh, Mr. Fischer hired me. 11 Q. If I call it the JTC, you know I mean the Judicial 12 Tenure Commission? 13 A. Okay, of course. 14 Q. So, I presume Mr. Fischer was the executive director 15 at the time you were hired? 16 A. Yes. 17 Q. And are you a senior staff attorney? Are there 18 different -- 19 A. There's no designations. 20 Q. Staff attorney, staff attorney? 21 A. Correct. 22 Q. Can you describe your duties as a staff attorney? 23 A. Investigating requests for investigation or reviewing 24 investigations, request for investigations, 25 interviewing witnesses, preparation of reports for the</p>	<p style="text-align: right;">Page 11</p> <p>1 responsibilities in your capacity as an associate 2 examiner during the formal proceedings? 3 A. Preparing witnesses for the formal hearing, 4 presentation of evidence. After that if a master 5 requires or requests, preparation of a proposed 6 finding of fact, writing of briefs, responding to 7 motions before the formal hearing if any are filed by 8 either side, and then briefs to the Supreme Court -- 9 briefs to the Commission and briefs to the Supreme 10 Court. 11 Q. What are the differences in the briefs that go to the 12 Commission and the briefs that go to the Supreme 13 Court? 14 A. Well, the brief to the Commission is taking the 15 master's findings of fact and conclusions of law and 16 then arguing those, and then once the Commission makes 17 a decision, then we adopt that position and we present 18 that to the Supreme Court. 19 Q. Is there ever a different -- the master also makes 20 findings, is that correct? 21 A. The master makes finding of fact and conclusions of 22 law, yes. 23 Q. Is there ever a difference in what the master might 24 determine and what the Commission might ultimately end 25 up recommending?</p>
<p style="text-align: right;">Page 10</p> <p>1 Commission, request for comments to respondents who 2 are the judges, formal complaints if the Commission 3 authorizes them and then trying cases or formal 4 hearings if that's what the Commission authorizes. 5 Q. Do you ever prepare cases for hearings? 6 A. Yes. 7 Q. And would you ever actually present evidence at a 8 hearing before a master? 9 A. Yes. 10 Q. Do staff attorneys serve as associate examiners during 11 formal proceedings ever? 12 A. Yes. 13 Q. And I presume that you do that as well? 14 A. Yes. 15 Q. How many times have you served as an associate 16 examiner? 17 A. I believe in the area of seven, eight. 18 Q. Does the JTC divide as far as staff attorneys go the 19 -- which staff attorneys are going to serve as the 20 associate examiners, pretty evenly or do they have a 21 way of choosing who is going to be an associate 22 examiner for any given case? 23 A. Since I've hired in I've done most of the formal 24 hearings but that's because I do trials. 25 Q. Okay. Can you describe your roles and</p>	<p style="text-align: right;">Page 12</p> <p>1 A. The master does not make any recommendations to the 2 Supreme Court in terms of the sanctions. The master 3 only makes finding of facts and conclusions of law. 4 Q. Okay. 5 A. The Commission can then adopt or reject those and then 6 they make a recommendation to the Supreme Court, and 7 we argue that position and then the court is free to 8 adopt or reject. 9 Q. Are you familiar with who Judge Sylvia James is? 10 A. Yes. 11 Q. Do you recall when the JTC was investigating 12 Judge James? 13 A. Yes, I recall there was an investigation. 14 Q. But nothing beyond that? 15 A. But I mean I don't have a one hundred percent recall 16 of every detail of that investigation. 17 Q. That would have been close to around when you began at 18 the JTC? 19 A. Yes. 20 Q. Do you recall when the JTC was pursuing a formal 21 complaint against Judge James as well? 22 A. Yes. 23 Q. How did the JTC's investigation of Judge James begin? 24 A. I'm sorry. I don't understand the question. What do 25 you mean begin?</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 13</p> <p>1 Q. What was the first instance you heard about the 2 investigation of Judge James? 3 A. It was either on the news before the request for 4 investigation was filed or the request for 5 investigation was filed and then the news story broke. 6 I cannot tell you which one came first. And there 7 were several requests for investigation filed. 8 Q. Do you know how many requests for investigation? 9 A. No, I don't, I'm sorry. 10 Q. If I use the term grievance, will you understand that 11 to mean the same thing as a request for investigation? 12 A. Sure. 13 Q. I might use request for investigation as well: You 14 indicated there were several grievances. Do you know 15 who initiated the investigation of Judge James? 16 A. Well, the investigation has to be approved by the 17 Commission but who filed the first grievance? 18 Q. Uh-huh. 19 A. I don't know. I know there was a gentleman who was 20 prohibited or barred from entering the courthouse 21 because he wore a pair of jeans. Whether he was the 22 first, I don't know. 23 I know there was a grievance filed by a 24 city attorney, I can't tell the name anymore, and I'm 25 not sure if there was another one or not.</p>	<p style="text-align: right;">Page 15</p> <p>1 was an audit conducted by Miss McLemore, I remember I 2 spoke to her. Does it refresh my memory, no, but I 3 have a faint memory that there might have been one 4 filed by SCAO. 5 Q. Is that because this isn't an actual grievance form? 6 A. Correct. 7 Q. If somebody wanted to make a grievance, would they 8 have to file that grievance form or would something 9 like this suffice to open an investigation? 10 A. I believe there has to be a form filled out. 11 Q. Okay. Do you know if a request for investigation was 12 filed by David Jones? 13 A. That rings a bell. 14 Q. And would you recall when Mr. Jones' grievance was 15 received by the -- 16 A. No. 17 Q. And I would imagine you wouldn't recall whether the -- 18 Mr. Jones' grievance was before or after Judge James 19 was placed on administrative leave? 20 A. No, I have no memory. 21 Q. Do you recall the nature of Mr. Jones' grievance? 22 A. No. 23 Q. Do you know if the JTC had any investigations 24 regarding Judge James prior to the investigation that 25 ultimately led to formal complaint 88?</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. You're aware that the JTC could open up an 2 investigation on its own volition without a grievance? 3 A. Correct. 4 Q. Did that happen in Judge James' case? 5 A. I don't remember. 6 Q. Do you know if a request for investigation was filed 7 by Deborah Green? 8 A. It might have been. 9 MARKED FOR IDENTIFICATION: 10 DEPOSITION EXHIBIT 1 11 10:11 a.m. 12 BY MR. FISHER: 13 Q. I'm handing you what's been marked as Exhibit 1 which 14 is a June 14th, 2011 letter to Mr. Paul Fischer from 15 Deborah Green who at the time was a regional 16 administrator of the Michigan Supreme Court State 17 Court Administrative Office. 18 I don't think you have to read the whole 19 thing. I just -- I guess take your time and take a 20 look at -- and let me know if this refreshes your 21 recollection as to whether Deborah Green had filed a 22 request for investigation. 23 A. Whether she was an actual grievant, no, it doesn't. I 24 know that I spoke to her during the investigation. 25 She may have very well filed one, and I remember there</p>	<p style="text-align: right;">Page 16</p> <p>1 A. No, I don't remember. I'm not sure I ever knew. 2 Q. Do you know if -- I think you testified that you don't 3 recall if Deborah Green even filed a grievance, that 4 is correct? 5 A. I seem to have a faint memory there was one filed by 6 SCAO and that would have been Deborah Green, but can I 7 tell you if I have an existing memory, no. 8 Q. Do you recall if that grievance would have been filed 9 with the JTC or presented before the JTC before or 10 after Judge James was placed on administrative leave? 11 A. No memory whatsoever. Please keep in mind the filing 12 is a separate time frame than presentation to the 13 Commission. So, it has to be filed, then presented to 14 the Commission. 15 Q. Is there usually a long time period between those two 16 events? 17 A. It varies. 18 Q. Are you aware that Judge James was placed on 19 administrative leave? 20 A. Yes. 21 Q. Is it true that a request for investigation from the 22 State Court Administrator doesn't need to be under 23 oath? 24 A. I have no idea. 25 Q. Do you know if the JTC was considering independently</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 17</p> <p>1 opening an investigation regarding Judge James before 2 it received any grievances? 3 A. You mean the Commission itself? 4 Q. Correct. 5 A. I would not know. I'm not privy to the deliberations. 6 Q. So, is it true that staff attorneys don't decide 7 whether the JTC is going to independently open an 8 investigation without having received any grievances 9 from other folks? 10 A. That is correct. 11 Q. It would be the Commission that does that? 12 A. Correct. 13 Q. Okay. So, the only time a staff attorney would ever 14 know that the JTC might open or is going to open an 15 independent investigation without receiving a 16 grievance would be after the commissioners might 17 notify a staff attorney? I can shorten it if you'd 18 like. 19 I just want to know if a staff attorney 20 would ever begin or start the process of the JTC 21 independently opening an investigation or is it always 22 something that comes right down from the Commission? 23 A. The Commission has to give authority for an 24 investigation whether it's filed by someone or whether 25 they decide to open it on their own.</p>	<p style="text-align: right;">Page 19</p> <p>1 A. I have no idea. 2 Q. -- on Judge James? Do you know that when Judge James 3 was placed on administrative leave that Judge Valdemar 4 Washington was appointed to act as interim chief judge 5 of the 22nd District Court? 6 A. Do I know that now, yes. 7 Q. Do you know that -- so, you know that now in hindsight 8 but you didn't know it was happening at the time? 9 A. Oh, no, I did. I can't tell you when that happened. 10 Q. So, you don't know when it happened but now that it 11 happened after she was placed on administrative leave? 12 A. I believe so, but I don't know how close it came to 13 it, whether it was simultaneously or a day or two 14 after, I can't tell you. 15 Q. Sure. Fair enough. Do you know if Judge Washington 16 controlled access to Judge James' safe while he served 17 as the interim -- 18 A. I have no knowledge of that. 19 Q. Was Judge Washington -- strike that. 20 Judge Washington cooperated with the JTC's 21 investigation of Judge James, is that correct? 22 A. Yes. 23 Q. Do you know to what extent Judge Washington was 24 involved in the investigation of Judge James? 25 A. I'm not clear as to what you mean by that.</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. So, a staff attorney can't go to the Commission 2 and say I think we should open up an investigation 3 against so and so, is that right? 4 A. We never go to the Commission ourselves. I mean we're 5 not there when they are deliberating. 6 Q. Okay. 7 A. Do we present reports, yes, and then they will decide 8 whether to open it or not. 9 Q. Okay. 10 A. Do you follow me? 11 Q. Yeah, I do. So, for example, I'm not saying something 12 like this could have ever happened but if a staff 13 attorney was aware of an egregious media article that 14 the staff attorney found out about, it might present 15 that to the Commission by way of a brief or a memo or 16 something like that? 17 A. Correct. 18 Q. Do you know when Judge James was placed on 19 administrative leave by the Supreme Court? 20 A. No. 21 Q. When I say Supreme Court, I mean the Michigan Supreme 22 Court. 23 A. No, I don't. 24 Q. Do you know if the Michigan Supreme Court was notified 25 when the JTC opened its investigation --</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Do you know what Judge Washington was asked to do as 2 far as accessing information related to the 3 investigation of Judge James? 4 A. I'm sorry. You'd have to be more specific. 5 Information -- most of our information came from 6 Miss Anderson. Did I speak with Judge Washington, 7 yes, did he cooperate in answering the questions, yes. 8 I can't tell you anything beyond that. 9 Q. Do you know whether Judge Washington was asked to look 10 for certain documents in the courthouse? 11 A. Not that I know of, not by me. 12 Q. You just said that Judge Washington answered 13 questions. What were the nature of the types of 14 questions that Judge Washington was answering? 15 A. I can't tell you that. 16 Q. Who was the staff attorney assigned to investigate 17 Judge James once the actual investigation was opened? 18 A. I was. 19 Q. Okay. Anybody else? 20 A. No. 21 Q. And it's usually just one staff attorney? 22 A. One staff attorney and the executive director. 23 Q. Can you describe the nature of the investigation in 24 terms of what was being done primarily? 25 A. Interviewing witnesses, meeting with the court</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 21</p> <p>1 administrator, gathering evidence, evaluating 2 evidence, writing reports, presenting them to the 3 Commission, asking for authority to do further 4 investigation and then following that authority. 5 Q. What type of evidence was being gathered? 6 A. The information gathered related to the allegations. 7 I remember there were financial allegations or 8 financial impropriety allegations, so, that was 9 gathered and the investigation included talking to 10 witnesses about policies and procedures in terms of 11 allowing people to enter the courthouse, I mean there 12 is so much more that I'm sure I'm missing some at this 13 point. Please keep in mind that it has been five 14 years. 15 Q. Oh, I understand. It's not a memory game. Speaking 16 of which do you recall which witnesses you were 17 interviewing? 18 A. I know I had several meetings with Pam Anderson. I 19 know I met with Judge Washington, I know I met with 20 Judge James' niece. I no longer remember her name. I 21 think perhaps a few other clerks but I can't tell you 22 who. 23 Q. What were the nature of the conversations with 24 Miss Anderson? 25 A. And again trying to recall five years ago it related</p>	<p style="text-align: right;">Page 23</p> <p>1 the clerks, and if you have to parse them out with 2 different people, that's fine. 3 A. I can't tell you, I'm sorry. 4 Q. Were any discussions with Judge Washington regarding 5 finding any documents in the courthouse? 6 A. I don't believe so. 7 Q. How about with respect to Miss Anderson? 8 A. There were a lot of documents that I requested. I 9 remember her maintaining some calendars and I asked 10 for copies of those, perhaps some docket sheets. You 11 know, we already had the checks that were at issue, 12 but those I did not obtain from Miss Anderson, I got 13 those from Miss McLemore. 14 Q. Is it true that the JTC will sometimes attempt to 15 settle a case instead of filing a formal complaint? 16 A. Had there been settlements since I started, I believe 17 so. 18 Q. Just to be clear when I say settlement, I mean that 19 JTC will make a deal in lieu of filing a formal 20 complaint, it might be a resignation, it might be 21 something else of that nature. I just wanted to 22 clarify what I mean by settlement. 23 A. I believe so, but I'm not certain. Does it come 24 before formal complaint or after, I can't tell you. 25 Q. Well, it would come before formal complaint because if</p>
<p style="text-align: right;">Page 22</p> <p>1 to expenses, expenditures, how -- there was some kind 2 of a community service program whether she knew how 3 that was run. 4 MS. WOJNAR-RAYCRAFT: When you say she, do 5 you mean Pam Anderson? 6 THE WITNESS: No, I mean Judge James, how 7 she ran that program. 8 A. I recall there were questions overriding the computer 9 system for entering fines and costs imposed on 10 defendants. I'm sorry. That's the best of my recall 11 at this point. I'm sure there are additional. 12 BY MR. FISHER: 13 Q. What about discussions with Judge Washington? 14 A. I don't remember most of those. 15 Q. How about conversations with Judge James' niece? I 16 believe her name is Nicole James. 17 A. Nicole James, you're right. There was I believe an 18 issue related to promotions and pay increases for her. 19 I remember meeting with Miss Nicole James in Pam' 20 Anderson's office. Miss Anderson left. I had a 21 chance to talk to Nicole alone. 22 I recall telling her that I was -- I 23 understood her predicament and being related to the 24 judge. That's the best of my recall. 25 Q. And how about the same question but with respect to</p>	<p style="text-align: right;">Page 24</p> <p>1 there was a settlement reached, there would be no 2 formal complaint. 3 A. I know one of my cases which was Judge Powers since it 4 was filed, a formal complaint was filed, his 5 resignation came after. 6 Q. Okay. 7 A. But I believe there have been some negotiations in 8 some cases. I can't tell you any details. 9 Q. You don't have to tell me the details, I was just 10 wondering if that occurs. 11 A. I think so. 12 Q. And do you know if any attempts were made to settle 13 with Judge James before a formal complaint was filed 14 against her? 15 A. I have no idea. 16 Q. Since -- strike that. 17 Is it true that staff attorneys like 18 yourself would make recommendations to the executive 19 director regarding discipline? When I say discipline 20 I mean in connection with a judge that you're 21 investigating. 22 A. When you say recommendations, do we discuss stuff, 23 yes, we all do but in terms of recommendations, those 24 are made to the Commission and they're the ones who 25 ultimately recommend to the Supreme Court.</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 25</p> <p>1 I don't know if that answers your question.</p> <p>2 Do we discuss, do we say oh, this should be whatever,</p> <p>3 sanctioned, I mean just as lawyers, yeah, we do but is</p> <p>4 it a formal recommendation, no.</p> <p>5 Q. And correct me if I'm wrong, but isn't it true that</p> <p>6 the executive director makes the recommendation to the</p> <p>7 Commission regarding discipline? By way of example</p> <p>8 the executive director might say 60-day suspension for</p> <p>9 this judge.</p> <p>10 A. Okay. Keep in mind that I am not in the room when the</p> <p>11 executive director meets with the commissioners.</p> <p>12 That's behind closed doors. We will make a</p> <p>13 recommendation in a report and clearly that's with the</p> <p>14 approval of the executive director.</p> <p>15 What goes on behind those closed doors, I</p> <p>16 can't tell you.</p> <p>17 Q. Behind closed doors would be with the executive</p> <p>18 director and the Commission?</p> <p>19 A. Correct.</p> <p>20 Q. Before that happens, though -- does the actual</p> <p>21 discipline, what should be the discipline -- I'm just</p> <p>22 saying just by way of example, 30 days, 60 days, six</p> <p>23 months, is that the kind of thing that would be</p> <p>24 discussed between the staff attorney and the executive</p> <p>25 director?</p>	<p style="text-align: right;">Page 27</p> <p>1 -- what were the nature of those discussions?</p> <p>2 MS. MILLER: I'm going to object. I</p> <p>3 believe that would be work product and attorney-client</p> <p>4 privilege.</p> <p>5 BY MR. FISHER:</p> <p>6 Q. Okay. And as far as Judge James goes, Mr. Fischer</p> <p>7 didn't believe that a lesser form of discipline such</p> <p>8 as a letter would have been appropriate for</p> <p>9 Judge James?</p> <p>10 A. You have to ask him what he believed.</p> <p>11 Q. To your knowledge though you don't know either way?</p> <p>12 MS. MILLER: I'm going to object again. I</p> <p>13 believe that would go to work product and</p> <p>14 attorney-client privilege. It's a discussion among</p> <p>15 staff.</p> <p>16 BY MR. FISHER:</p> <p>17 Q. Do you know if approval to file a formal complaint</p> <p>18 with regard to Judge James was requested?</p> <p>19 A. Yeah, it has to be approved by the Commission. You</p> <p>20 mean from the Commission?</p> <p>21 Q. Yeah.</p> <p>22 A. Yeah, the Commission has to approve a formal</p> <p>23 complaint. In fact one proposed formal complaint is</p> <p>24 presented to them and they can make whatever changes</p> <p>25 they want.</p>
<p style="text-align: right;">Page 26</p> <p>1 A. Sometimes.</p> <p>2 Q. And would the staff attorney in any instances say that</p> <p>3 I think this should be 60 days suspension for this</p> <p>4 judge?</p> <p>5 A. That may happen.</p> <p>6 Q. Not in a brief but would be just in discussion or</p> <p>7 either way?</p> <p>8 A. Well, ultimately the report that goes to the</p> <p>9 Commission will have a recommendation or the brief</p> <p>10 that will go to the Commission, not report.</p> <p>11 Q. And the brief would be from the executive director but</p> <p>12 perhaps drafted by staff attorneys?</p> <p>13 A. It's drafted by staff attorneys, it's reviewed by the</p> <p>14 executive director and signed by both, and the</p> <p>15 recommendation comes after the formal hearing.</p> <p>16 Q. Did you provide a recommendation to the executive</p> <p>17 director regarding Judge James?</p> <p>18 A. At what point? After the hearing? Sure.</p> <p>19 Q. It would have been after the hearing but not before</p> <p>20 the hearing?</p> <p>21 A. And once again did we talk about it in the office as</p> <p>22 attorneys, sure. If you're asking for any kind of a</p> <p>23 formal document or recommendation, I don't think one</p> <p>24 exists prior to the formal hearing.</p> <p>25 Q. And as far as discussing things as attorneys, what was</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And who made that request, would that have been</p> <p>2 Mr. Fischer who was executive director at the time?</p> <p>3 A. With my signature on that as well. Maybe not. I</p> <p>4 don't know if the formal complaint is even signed, the</p> <p>5 proposed formal complaint. The report would have</p> <p>6 been.</p> <p>7 Q. Now, since -- we know that Judge James did have a</p> <p>8 formal complaint filed against her, it was formal</p> <p>9 complaint number 88.</p> <p>10 A. Sure.</p> <p>11 Q. And you testified it would have been your</p> <p>12 recommendation -- or the recommendation signed by the</p> <p>13 executive director and yourself.</p> <p>14 So, is it fair to say it was your</p> <p>15 recommendation that a formal complaint should be filed</p> <p>16 against Judge James?</p> <p>17 A. Yes.</p> <p>18 Q. And that was granted by the Commission?</p> <p>19 A. It was approved by the Commission, yes.</p> <p>20 Q. In determining whether to file a formal complaint</p> <p>21 against Judge James, did you consider her alleged</p> <p>22 conduct compared to the conduct of other judges who</p> <p>23 the JTC had filed formal complaints against</p> <p>24 previously?</p> <p>25 MS. MILLER: I'm going to place an</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 29</p> <p>1 objection because I believe that goes to work product, 2 her mental impressions and it's potentially 3 attorney-client privileged. 4 BY MR. FISHER: 5 Q. In considering whether to file a formal complaint in 6 general, does the JTC compare the conduct of prior 7 judges who had formal complaints against them just as 8 a matter of practice and conduct? 9 A. I believe so. 10 Q. Are you familiar with the Brown factors? 11 A. Yes. 12 Q. Is that something that is also considered? 13 A. Sure. 14 Q. Would that be one of the main things that's 15 considered? 16 A. You know, there are so many facts considered. I know 17 that her case involved financial improprieties which 18 are -- which were severe and that was a major 19 consideration. 20 There were so many other factors. I can't 21 tell you what was considered. In general things are 22 considered all around. 23 Q. And a similar question as before, did you compare 24 Judge James' alleged conduct with the conduct of other 25 judges against whom the JTC decided not to file a</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. Do you -- you testified that the JTC might open an 2 investigation based on media articles? 3 A. Yes. 4 Q. And would there have been media articles that you 5 recall regarding Judge Waterstone that came to the 6 attention of the JTC or staff attorneys? 7 A. I don't know because I think when that hit the press, 8 I was still with the Prosecutor's Office. 9 Q. Okay. 10 A. So, I don't know what came to the attention of JTC at 11 that time. 12 Q. And I guess while we are on the subject of -- and I 13 guess the way I'm looking at this is the JTC learning 14 about -- and I'll say alleged or potential because if 15 it's in the media, we don't know what it is. 16 Do you recall hearing media articles 17 regarding Judge Mark Somers? 18 A. No. 19 Q. How about -- 20 A. I can't tell you one way or the other. 21 Q. How about Judge James Kandrevas? 22 A. News articles, I don't remember, no. 23 Q. Was there anything that came into the JTC's office -- 24 MS. MILLER: She can't -- we are going to 25 place an objection because insofar as something didn't</p>
<p style="text-align: right;">Page 30</p> <p>1 formal complaint? 2 A. I don't recall. 3 Q. Are you familiar with a Judge Mary Waterstone? 4 A. Personally, yes, I was. She was a judge at 36th 5 District Court when I was with the Prosecutor's 6 Office. So, I know who she was. 7 Q. And how did you come to learn who she was? 8 A. I appeared in front of her. 9 Q. Oh, okay. You appeared in front of her in her court? 10 A. Yes. 11 Q. For -- 12 A. I believe preliminary exams. 13 Q. Oh, while you were -- 14 A. Prosecutor, yes. 15 Q. Did you ever become aware while you were at the JTC 16 that there was some potential or alleged misconduct 17 that Judge Waterstone had committed? 18 MS. MILLER: I'm going to place an 19 objection insofar as you're asking her for information 20 about something that may have happened or something 21 that was less than a formal proceeding. You can ask 22 her about formal proceedings but anything less than 23 that I believe is confidential and contrary to the 24 order that we had entered into prior with discovery. 25 BY MR. FISHER:</p>	<p style="text-align: right;">Page 32</p> <p>1 rise to the level of formal complaint, she's not at 2 liberty to discuss. 3 MR. FISHER: And what's the basis of that 4 objection? 5 MS. MILLER: The agreement we have with 6 regard to the discovery that only -- that no judicial 7 names in terms of investigations, judges' names will 8 not be disclosed unless it rose to the level of a 9 formal complaint. It's in the order that the judge 10 entered. 11 MR. FISHER: Well, I would just suggest 12 that -- 13 BY MR. FISHER: 14 Q. When I say JTC, I'm including the staff attorneys. 15 Would you understand that when I say JTC, 16 it includes the staff attorneys and the Commission, is 17 that fair? 18 A. I don't know what the Commission was aware of. If you 19 want to ask me what I am aware of, that's different, 20 but I don't know what they would have been aware of. 21 Q. I'm just prefacing my question that when I say what 22 the JTC was aware of something, that would include the 23 staff attorneys, is that fair, or should I say 24 separately the staff attorneys? 25 A. I'm assuming any questions when you say JTC is limited</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 33</p> <p>1 to me. I don't know what anybody else was aware of. 2 So, if there were some discussions behind closed doors 3 with the Commission, I can't vouch for that, I can't 4 testify to that. 5 Q. When I say the JTC, though, do you understand that I'm 6 not only speaking about commissioners, I might also be 7 asking whether it -- 8 A. I'm going to take it as you are limiting it to me. 9 MR. FISHER: Now, for the objection I'm 10 just wondering whether you are objecting that whether 11 the JTC received information about allegations and 12 media articles about judges, if you're saying that's 13 an objection regarding the order that the court 14 entered. 15 MS. MILLER: Well, insofar as your question 16 is seeking to ask did the -- was the JTC and the staff 17 attorneys, did they take any action based upon news 18 articles, I believe that is covered in terms of 19 conducting investigations, I believe that would be 20 conducted under the court order. 21 Now, if you're asking her was she 22 personally aware of a news article, I think that's a 23 different question and she -- 24 MR. FISHER: That's what I asked. 25 MS. MILLER: Well, you said, you were</p>	<p style="text-align: right;">Page 35</p> <p>1 A. At what point in time? 2 Q. Any point in time. 3 A. After I started with the Commission I heard about some 4 articles. I know nothing about the content of those 5 articles. 6 Q. I'll include two judges because I believe it was 7 regarding the same set of circumstances but Judges 8 Kimberly Small and Marc Barron of the 48th District 9 Court. 10 A. No. 11 Q. How about Judge David Stowe? 12 A. No. 13 Q. Judge Byron Konschuh spelled K O N S C H U H? 14 A. Newspaper articles? 15 Q. Any media article. 16 A. I believe there is some media articles about Judge 17 Konschuh that I read. 18 Q. You already testified that the JTC takes the Brown 19 factors into account when deciding whether to seek a 20 formal complaint and you testified that that's among 21 other things of course? 22 A. Again I'm speaking for myself. In preparing brief to 23 the Commission we cover those factors, yes. 24 Q. Do you know if you took those factors into 25 consideration when determining whether Judge James</p>
<p style="text-align: right;">Page 34</p> <p>1 prefacing it in terms of the JTC. 2 MR. FISHER: I was only asking about the 3 JTC because I wanted to make clear when I say the JTC, 4 I'm not talking about the commissioners, I'm talking 5 about the commissioners and staff attorneys and 6 everybody else. 7 MS. MILLER: I think she testified she can 8 only testify as to what she was aware of. 9 MR. FISHER: Right, right. 10 MS. MILLER: So, in terms of these 11 questions, if we can address them to were you 12 personally aware of them, that's -- 13 MR. FISHER: That's all I want to know. 14 BY MR. FISHER: 15 Q. I don't want to know if the JTC took action about it 16 because that's what Miss Miller objected to. The same 17 question. 18 A. I'm sorry. Repeat that question. 19 Q. I will. 20 A. Thank you. 21 Q. So, I'm just wondering whether you were ever aware of 22 any allegations or media articles regarding 23 Judge James Kandrevas? 24 A. I don't recall. 25 Q. Same question but as to Judge Steven Servaas.</p>	<p style="text-align: right;">Page 36</p> <p>1 should have a formal complaint filed against her? 2 A. I'm sure I did. I don't specifically recall. I know 3 I covered them in the brief to the Commission, yes. 4 Q. Are there any circumstances where a staff attorney 5 might not consider the Brown factors? 6 A. Not that I know of. 7 Q. Had you met Judge James prior to the JTC's 8 investigation of her? 9 A. Yes. 10 Q. Under what circumstances? 11 A. I appeared in front of her. 12 Q. While you were a prosecutor? 13 A. Yes. 14 Q. And do you remember when that was because I know you 15 were there for awhile. 16 A. I know it was after 2001 and prior to 2008. 17 Q. And had you ever met Judge James outside of that 18 context? 19 A. I don't think so. 20 Q. And I presume since you had met her that you are aware 21 she's African-American? 22 A. Certainly. 23 Q. After the JTC opened an investigation regarding 24 Judge James, did the JTC review any documents that it 25 had received?</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 37</p> <p>1 A. Once again are you talking about me or the Commission?</p> <p>2 Q. You.</p> <p>3 A. Yeah.</p> <p>4 Q. Were the documents reviewed -- were the documents</p> <p>5 received by subpoena or just by the JTC requesting?</p> <p>6 A. Both.</p> <p>7 Q. And do you recall what documents were reviewed?</p> <p>8 A. I know there were checks that were received, I know</p> <p>9 Miss McLemore's report was reviewed. I know there was</p> <p>10 some flight records reviewed. Those three come to</p> <p>11 mind. I'm sure there were more but I don't recall.</p> <p>12 Q. Do you recall what the significance of the checks</p> <p>13 were?</p> <p>14 MS. MILLER: I'm going to place an</p> <p>15 objection because I believe that goes to her mental</p> <p>16 impressions and work product.</p> <p>17 Q. I'm presuming you're going to object but I'll just</p> <p>18 have you to ask the question.</p> <p>19 Do you recall what the significance of what</p> <p>20 -- am I pronouncing it correctly, McLemore?</p> <p>21 A. Charlene McLemore's.</p> <p>22 Q. Report was?</p> <p>23 MS. MILLER: Same objection.</p> <p>24 BY MR. FISHER:</p> <p>25 Q. And how about the flight records?</p>	<p style="text-align: right;">Page 39</p> <p>1 A. I want to say at the end of 2011 but I know that the</p> <p>2 formal hearing was in the first part of 2012, at least</p> <p>3 that's my recall. I can't give you the exact date.</p> <p>4 MARKED FOR IDENTIFICATION:</p> <p>5 DEPOSITION EXHIBIT 2</p> <p>6 10:51 a.m.</p> <p>7 BY MR. FISHER:</p> <p>8 Q. Do you see -- you have in front of you what's been</p> <p>9 marked as Exhibit 2 which is the petition for interim</p> <p>10 suspension, and I think there's a timestamp that says</p> <p>11 October 29, 2012.</p> <p>12 Do you see on the first page paragraph one</p> <p>13 below the preamble it states that the Commission filed</p> <p>14 formal complaint number 88 on a Wednesday, October 26,</p> <p>15 2011?</p> <p>16 A. Yes.</p> <p>17 Q. Does that refresh your recollection on the exact date?</p> <p>18 A. My memory of the end of 2011, that's consistent, yeah.</p> <p>19 Q. I just wanted the date to be on here so we can</p> <p>20 pinpoint it.</p> <p>21 Do you know what investigation took place</p> <p>22 between the time Judge James was placed on</p> <p>23 administrative leave and October 26, 2011 which is</p> <p>24 when the formal complaint was filed?</p> <p>25 A. What part of the investigation? No, I can't tell you</p>
<p style="text-align: right;">Page 38</p> <p>1 MS. MILLER: Same objection.</p> <p>2 BY MR. FISHER:</p> <p>3 Q. I presume with respect to requesting documents and</p> <p>4 asking for interviews whether it was documents at the</p> <p>5 22nd District Court or folks that worked at the 22nd</p> <p>6 District Court that you or the JTC did not need to</p> <p>7 issue subpoenas to those folks, is that correct?</p> <p>8 A. So, you've got a couple parts to it. Are you talking</p> <p>9 about interviews? I didn't have to subpoena anybody</p> <p>10 that I recall to interview the staff.</p> <p>11 I don't recall having to issue a subpoena</p> <p>12 for any records from the court, I don't believe so,</p> <p>13 no.</p> <p>14 Q. And the reason I ask is you did say that subpoenas</p> <p>15 were issued and I would just like to know who those</p> <p>16 subpoenas were issued to.</p> <p>17 A. I can't remember. I know there was a subpoena issued</p> <p>18 for I think flight records.</p> <p>19 Q. Okay. So, to the airline?</p> <p>20 A. Correct.</p> <p>21 (Recess taken at 10:48 a.m.)</p> <p>22 (Back on the record at 10:50 a.m.)</p> <p>23 BY MR. FISHER:</p> <p>24 Q. Do you know when the formal complaint against</p> <p>25 Judge James was filed?</p>	<p style="text-align: right;">Page 40</p> <p>1 exactly what was done between those two dates and</p> <p>2 again I don't know when she was placed on</p> <p>3 administrative leave, so, unless you give me that</p> <p>4 date, I can't answer.</p> <p>5 (Discussion held off the record at</p> <p>6 10:53 a.m.)</p> <p>7 (Back on the record at 10:54 a.m.)</p> <p>8 BY MR. FISHER:</p> <p>9 Q. Can you look at the first page of Exhibit 2 there's a</p> <p>10 preamble that states towards the end, do you see it</p> <p>11 states that Judge James was placed on administrative</p> <p>12 leave as ordered by the Michigan Supreme Court on</p> <p>13 April 14, 2011?</p> <p>14 A. Yes, I see it.</p> <p>15 Q. You have no reason --</p> <p>16 A. I have no reason to doubt that.</p> <p>17 Q. So, my question is before that date, were there any</p> <p>18 investigations being conducted?</p> <p>19 A. I have no idea.</p> <p>20 MS. MILLER: When you say that date, at</p> <p>21 that time you are referring to the April 14th?</p> <p>22 MR. FISHER: Correct.</p> <p>23 BY MR. FISHER:</p> <p>24 Q. And I know you stated earlier that you had interviewed</p> <p>25 some folks at the 22nd District Court, but did anybody</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 41</p> <p>1 else conduct any investigations or interviews with 2 folks? 3 A. From our office? 4 Q. Correct. 5 A. I don't believe so. 6 Q. How about other people outside of the JTC? 7 A. I wouldn't know. 8 Q. So, you guys don't hire private investigators? 9 A. No. 10 Q. And certainly with respect to Judge James' 11 investigation, there weren't other people besides 12 staff attorneys at the JTC going to the court and 13 questioning people or looking for things? 14 A. No. Not that I know of, no. 15 Q. While you were -- strike that. 16 How many times did you go to the 22nd 17 District Court and not in your capacity as a 18 prosecutor, I mean with respect -- 19 A. Obviously. I'm guessing now but I would say two or 20 three. 21 Q. And when you went during those instances, did you ever 22 search for materials at the court that you were 23 interested in? 24 A. No. 25 Q. Did you ever ask for any materials that you were</p>	<p style="text-align: right;">Page 43</p> <p>1 materials, but when you did that, was it the kind of 2 thing that they said hold on, let me go get that for 3 you or did they say -- 4 A. It varied. 5 Q. It varied? Both? 6 A. Both. 7 Q. And when it was the instance where they weren't able 8 to just grab it for you on the spot, did they give it 9 to you the next time you showed up or mailed it to 10 you? 11 A. Again it varied. 12 Q. Varied. 13 A. Please keep in mind we always try to accommodate the 14 court. That's the policy under Mr. Fischer. We don't 15 disrupt them. 16 Q. Right. Did you search Judge James' former office? 17 A. No. 18 Q. Did you direct anybody to do that? 19 A. No. 20 Q. And do you know whether anybody directed anybody to 21 search Judge James' office? 22 A. No. 23 Q. Do you know whether Judge James' office was searched? 24 A. No, I don't know. 25 Q. Do you know whether there was a safe in Judge James'</p>
<p style="text-align: right;">Page 42</p> <p>1 interested in? 2 A. Sure. 3 Q. And what types of materials? 4 A. Like I said depending on the interview conversation, I 5 asked for calendars from Miss Anderson. The rest I 6 can't tell you. 7 Q. And I know this might sound kind of silly to you 8 because you're familiar with the process but I'm just 9 trying to get a picture of how this works. 10 So, is it pretty informal when you visit a 11 courthouse to investigate or do you schedule the 12 meetings and say we're going to be in this room from 13 this time to this time or is it relatively informal? 14 A. It's up to each individual court. We always provide 15 notice as a courtesy. We want to disrupt their 16 proceedings as little as possible. We ask when it 17 would be convenient. 18 Usually the court administrator gets back 19 with us as to what is convenient, who is going to be 20 in, if there are any times off that are scheduled, and 21 then we arrive and if they provide a room, that's 22 wonderful, otherwise like with Miss Anderson she gave 23 us her office, she left and I spoke, for example, to 24 Miss Nicole James. 25 Q. You testified that you had requested documents and</p>	<p style="text-align: right;">Page 44</p> <p>1 office? 2 A. I don't believe it was in her office. 3 Q. Do you know whether there's a safe in the bathroom 4 that was associated with Judge James' office? 5 A. See, I don't know where that bathroom was. I remember 6 walking past -- walking someplace with Miss Anderson 7 and her pointing to what she represented to be a safe. 8 Q. Do you know why she was pointing the safe out to you? 9 A. Because it was opened. 10 Q. This was at a time where the safe had already been 11 opened? 12 A. Correct. 13 Q. Did it look like it was broken into? 14 A. I never got that close. 15 Q. It was just opened? 16 A. Correct. And when I looked, I'm not saying it was all 17 open. That was the representation made to me and I 18 believe that I noticed that the door was not 19 completely shut. 20 Q. Were you interested in what was in the safe? 21 A. No. 22 Q. And you didn't ask whether some of the documents that 23 the JTC or yourself was interested in whether they 24 could be in the safe? 25 A. No.</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 45</p> <p>1 Q. And you're not aware whether items were removed from 2 her safe? 3 A. I'm not aware of anything. 4 Q. Do you know whether any documents obtained from 5 Judge James' office were used in connection with the 6 case against Judge James in front of the JTC? 7 A. I'm sorry, say that again. 8 Q. Do you know whether any documents that were obtained 9 from Judge James' office were used in connection with 10 the investigation or formal proceeding? 11 A. I can't tell you at this point. 12 Q. Do you know whether any documents that were obtained 13 from Judge James' safe were used in connection with 14 the investigation? 15 A. Not to my knowledge, no. 16 Q. How about any documents that were obtained just from 17 the 22nd District Court, were those used in connection 18 with the investigation or formal proceedings regarding 19 Judge James? 20 A. I'm sure there were because I asked for docket sheets 21 and calendars and stuff like that, so, yes. 22 Q. Did the JTC have any communications with anybody from 23 the Michigan Supreme Court Administrator's Office 24 regarding Judge James? 25 A. Okay. Again did I have any communications with SCAO,</p>	<p style="text-align: right;">Page 47</p> <p>1 Did the JTC have any communications with 2 David Jones regarding Judge James? 3 A. Are you talking about the commissioners or me? 4 Q. I'll parse it out in two ways. When I say the JTC, I 5 want to know about the commissioners so I'm asking -- 6 A. I know nothing like that. 7 Q. How about the JTC staff which would include you? 8 A. I believe I had contact with Mr. Jones but I'm not 9 certain. 10 Q. Do you know what it would have been about? 11 A. Unless I would see the request for investigation, I 12 can't tell you at this point. 13 Q. So, you think that if you did speak to him, it would 14 be in connection with the request for investigation 15 that he made against Judge James? 16 A. Yes. 17 Q. Did you or any other JTC staff member ever have any 18 communications with Hilliard Hampton regarding 19 Judge James? 20 A. No. No from me, and I don't know about anybody else, 21 but I doubt it. 22 Q. I'll ask the same question with respect to 23 commissioners. 24 A. Same answer. I have no idea. 25 Q. Did the JTC have any communication with anybody from</p>
<p style="text-align: right;">Page 46</p> <p>1 yes. 2 Q. Who would that be with? 3 A. Deb Green, Charlene McLemore. 4 Q. What were the nature of the conversations with Deb 5 Green? 6 A. I actually don't recall those. I recall more with 7 Miss McLemore than Miss Green. 8 Q. What about with Miss McLemore? 9 A. She had to explain her reports to me. They were 10 accounting reports and I needed to make sure to 11 understand those. 12 Q. And I ask the last few questions with respect to you, 13 but do you know whether commissioners would have had 14 any contact with SCAO? 15 A. I would not know that. 16 Q. You wouldn't know one way or the other? 17 A. No. 18 Q. Do you know whether commissioners ever contact people 19 in connection with investigations? 20 A. Contact whom? 21 Q. Anybody, I mean just -- you interview folks and make 22 phone calls or interview or talk to people. Do you 23 know if commissioners ever do that in -- 24 A. I have no idea. 25 Q. Did the JTC have any communications -- strike that.</p>	<p style="text-align: right;">Page 48</p> <p>1 the City of Inkster regarding Judge James? 2 A. And again are you asking me or the Commission? 3 Q. Well, first with respect to you and then -- 4 A. Anybody from the city? 5 Q. And that would include the City Council. 6 A. Not that I recall from me, and I have no knowledge as 7 to the Commission. 8 Q. Did the JTC have any communications -- I'll first ask 9 did you or any staff attorneys have any communications 10 with Judge Washington regarding Judge James? 11 A. Yes, I met with him. 12 Q. I'm sorry? 13 A. I met with him. 14 Q. And what was the nature of those communications? 15 A. I don't recall but it related to the investigation. I 16 don't remember the particulars now. 17 Q. Are you aware that Judge Washington as chief judge had 18 been asked to perform some degree of investigation 19 regarding Judge James when he was serving -- 20 A. I don't recall that. 21 Q. Do you know if any JTC commissioners had any 22 communications with Judge Washington? 23 A. Not that I know of. 24 Q. We just covered a decent amount of folks but are there 25 any other categories of people or organizations that</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 49</p> <p>1 you or any other staff attorneys had communications 2 with regard Judge James? 3 A. I don't think so. 4 Q. And the same question as to commissioners. 5 A. I don't know. 6 Q. What did you do to prepare for this deposition today? 7 A. I called Jeanmarie. 8 Q. I don't want to hear about what you said to her. 9 A. Regarding the date and the time. If you're asking did 10 I review any documents, no, I did not. 11 Q. Was this the first time you've been deposed? 12 A. No. 13 Q. And what other times have you been deposed? 14 A. I was deposed in the case of Mr. Fischer's, and I 15 don't remember whether I was deposed -- I testified 16 before but that was in court, not in a deposition. 17 Q. And aside from counsel, have you spoken to anybody 18 else about this case? 19 A. I spoke to Mr. Swastek after his deposition basically 20 asking why it took three-and-a-half hours or close to 21 it. Nothing about details. He had nothing to do with 22 the case itself, so -- 23 Q. So, you were just talking to Mr. Swastek about how the 24 deposition went? 25 A. How it went.</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Do you recall how many meetings you had with her? 2 A. I'm guessing two or three. 3 Q. Two or three? Okay. 4 A. And I recall that I met with her I think during the 5 hearing. 6 Q. During the hearing. 7 A. But that's during the proceedings. 8 Q. For hearing preparation? 9 A. Yes, this hearing lasted six weeks. 10 Q. I've tried to wade through some of the transcript. 11 So, the two to three times that you went to the 12 courthouse for your investigation was Miss Anderson at 13 all of those meetings? 14 A. I believe so. 15 Q. Okay. And I believe you testified that when you 16 called to set up the meetings, you would have been 17 setting them up through Pam Anderson as the court 18 administrator? 19 A. Yes. 20 Q. Okay. Do you recall what dates you went to the 21 courthouse? I'm sorry. I'm going to ask and you can 22 say no. 23 A. No, I don't, I'm sorry. 24 Q. I can't recall last week but I'm going to ask the 25 question anyway.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Whether we were jerks? 2 A. Why it took three hours plus. That's it. 3 Q. Well, I don't think yours will take three hours 4 because I have nothing else and I appreciate your 5 time. 6 A. Thank you. 7 MR. FISHER: Anybody else? 8 MS. MILLER: I don't have any questions. 9 MS. TERPSMA: I don't have any questions. 10 MS. WOJNAR-RAYCRAFT: I have some follow-up 11 questions, but if I could take a little break to make 12 sure I don't repeat and organize them as efficiently 13 as possible. 14 (Recess taken at 11:08 a.m.) 15 (Back on the record at 11:14 a.m.) 16 EXAMINATION 17 BY MS. WOJNAR-RAYCRAFT: 18 Q. Again I'm Melissa Raycraft from Mike Cox Law Firm. I 19 represent Pam Anderson. 20 I tried to go through and cross off 21 questions I had related to Pam that Mr. Fisher already 22 covered. We've got about 15 minutes maybe. 23 I think you said you had meetings at the 24 courthouse with Pam Anderson. 25 A. Yes.</p>	<p style="text-align: right;">Page 52</p> <p>1 And I think one of the things that you said 2 you talked with Miss Anderson about was the community 3 service fund, the check requests for that, you went 4 over checks with Miss Anderson? 5 A. Yes, but keep in mind that I believe the checks came 6 from Miss McLemore. 7 Q. Okay. 8 A. I think she had all the checks already. 9 Q. Right. 10 A. Because she did her audit. 11 Q. Okay. 12 A. Did I discuss it with Pam, yeah, I think so. 13 Q. So, you testified you already had the checks from 14 Miss McLemore so you didn't get those from 15 Miss Anderson, but did you at one of your meetings go 16 over the checks with her in the check records maybe? 17 A. Each of the checks, no, I don't think so. 18 Q. Okay. And did you go through the check request forms 19 with Miss Anderson if you recall? 20 A. I seem to have some recall of that but I can't be 21 certain. 22 Q. Okay. Did you tell Miss Anderson that there was 23 anything improper about the checks or the check 24 requests? 25 A. You know, I don't express an opinion during an</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 53</p> <p>1 investigation.</p> <p>2 Q. Okay.</p> <p>3 A. For the most part I just get information and get it</p> <p>4 ready to present at a formal hearing because even</p> <p>5 during the investigation there's always a focus on a</p> <p>6 possibility of a formal hearing. So, you always have</p> <p>7 to focus on that.</p> <p>8 So, I don't know.</p> <p>9 Q. Okay. Did Miss Anderson tell you that she thought</p> <p>10 there was anything improper about the checks?</p> <p>11 A. I don't recall.</p> <p>12 Q. And I think one of the other topics that you met with</p> <p>13 Miss Anderson about were the calendars.</p> <p>14 A. I know in one of the conversations an issue came up</p> <p>15 about calendars and the information that she</p> <p>16 maintained in those calendars.</p> <p>17 Q. She being?</p> <p>18 A. Miss Anderson.</p> <p>19 Q. Okay.</p> <p>20 A. So, I asked for a copy of those calendars.</p> <p>21 Q. From Miss Anderson?</p> <p>22 A. Yes.</p> <p>23 Q. And did Miss Anderson give you --</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall what years of the calendars that you</p>	<p style="text-align: right;">Page 55</p> <p>1 A. I don't recall whether I did or did not say that. I</p> <p>2 know that issue came up in the investigation.</p> <p>3 Q. Okay. Did Miss Anderson tell you that she thought</p> <p>4 there was a problem with the days off?</p> <p>5 A. I don't recall.</p> <p>6 Q. And did you discuss with Miss Anderson anything</p> <p>7 regarding Judge James' reimbursement for travel</p> <p>8 expenses?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. Did Miss Anderson -- did you ask Miss Anderson</p> <p>11 for any documents relating to travel expenses?</p> <p>12 A. I think I may have, but I can't tell you what exactly</p> <p>13 I would ask for.</p> <p>14 Q. Okay.</p> <p>15 A. I simply have no memory. It's been five years. I</p> <p>16 know there was an issue with regards to travel, yes,</p> <p>17 but I can't tell you one way or the other.</p> <p>18 Q. Okay. Did Miss Anderson tell you she thought there</p> <p>19 was anything improper about the travel expenses?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay. One of the other topics that you testified</p> <p>22 earlier to today about, and I'm not quite sure, some</p> <p>23 overriding in the computer, and I'm not sure what that</p> <p>24 is.</p> <p>25 A. Yes, as I recall if someone was paying fines or fees,</p>
<p style="text-align: right;">Page 54</p> <p>1 asked for?</p> <p>2 A. No, I'm sorry, I don't.</p> <p>3 Q. Okay. Were they paper calendars or electronic</p> <p>4 calendars?</p> <p>5 A. Oh, paper.</p> <p>6 Q. And was the purpose of reviewing the calendars</p> <p>7 regarding Judge James' time off?</p> <p>8 A. I believe so but I'm not one hundred percent certain.</p> <p>9 Q. Would there have been another purpose to review the</p> <p>10 calendars?</p> <p>11 A. Not that I recall. Keep in mind I have not reviewed</p> <p>12 anything in this case.</p> <p>13 Q. For this deposition?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. But for the hearing you probably did?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Did you request that Miss Anderson put together</p> <p>18 a summary regarding Judge James' attendance at court?</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay.</p> <p>21 A. I may have but I'm not certain.</p> <p>22 Q. Okay. And I think I already know the answer to this</p> <p>23 question but I'm going to ask it anyways. Did you</p> <p>24 tell Miss Anderson that you thought there was a</p> <p>25 problem with Judge James' time off?</p>	<p style="text-align: right;">Page 56</p> <p>1 court costs, there was a -- I want to say JIS computer</p> <p>2 system or program, and I may be wrong on the letters</p> <p>3 here but where it would automatically apportion the</p> <p>4 payments into certain accounts.</p> <p>5 There was some way to override it, and I</p> <p>6 believe that there was some testimony and some</p> <p>7 evidence that Judge James had requested that the</p> <p>8 clerks override the program and funnel that money into</p> <p>9 a separate account that was at the heart of the</p> <p>10 investigation, part of the investigation.</p> <p>11 Q. Okay. Did Miss Anderson provide you any information</p> <p>12 on that part of your investigation about the</p> <p>13 overriding the fines?</p> <p>14 A. I believe so but if you ask me exactly what she</p> <p>15 provided, I could not tell you.</p> <p>16 Q. Then one of the other things you said you asked Miss</p> <p>17 Anderson for docket sheets?</p> <p>18 A. I may have.</p> <p>19 Q. Okay. And what was the purpose of asking?</p> <p>20 A. And again in terms of documents I can't tell you</p> <p>21 whether I specifically did ask, but a lot of times I</p> <p>22 will ask for docket sheets if there are specific cases</p> <p>23 we are looking into. I can't tell you what I asked</p> <p>24 for specifically.</p> <p>25 Q. Do you recall if Miss Anderson provided you with the</p>

MARGARET RYNIER
December 21, 2017

<p style="text-align: right;">Page 57</p> <p>1 docket sheets you asked for?</p> <p>2 A. Whatever we requested she provided I believe to the</p> <p>3 best of I believe her ability.</p> <p>4 Q. Was Miss Anderson cooperative during the</p> <p>5 investigation?</p> <p>6 A. Yes.</p> <p>7 Q. All right. I have some questions about the infamous</p> <p>8 safe again.</p> <p>9 So, was the first time that you heard about</p> <p>10 this safe was when you were walking through the</p> <p>11 courthouse with Miss Anderson?</p> <p>12 A. Yes.</p> <p>13 Q. And it was one of the two to three times you were</p> <p>14 there for your investigation?</p> <p>15 A. Yes.</p> <p>16 Q. And I believe you said that Miss Anderson pointed out</p> <p>17 to you what was represented to be a safe, something</p> <p>18 like that?</p> <p>19 A. Yes, just walking past what I believe now to be the</p> <p>20 bathroom that it was in.</p> <p>21 Q. Okay.</p> <p>22 A. I never entered, neither did she.</p> <p>23 Q. Okay. But Miss Anderson pointed it out to you?</p> <p>24 A. Correct.</p> <p>25 Q. And did it look like a safe?</p>	<p style="text-align: right;">Page 59</p> <p>1 it wasn't completely shut.</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And after that meeting at the courthouse, did</p> <p>4 you ever follow up on any -- with Miss Anderson about</p> <p>5 the safe at all after that?</p> <p>6 A. I don't believe so, no.</p> <p>7 Q. Okay.</p> <p>8 A. Until the hearing when that issue came up.</p> <p>9 Q. Okay. And I'm not sure if I can this so I'm sure</p> <p>10 you'll object.</p> <p>11 When you were preparing for the hearing,</p> <p>12 did you investigate any more about the safe?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. I mean the issue came during the hearing itself.</p> <p>16 Q. During the hearing in the hearing.</p> <p>17 A. Correct.</p> <p>18 Q. But I was asking for like when you were preparing for</p> <p>19 it.</p> <p>20 A. No.</p> <p>21 Q. Do you know if anybody had a key to the safe?</p> <p>22 A. You are assuming there was a key. I don't know how it</p> <p>23 was opened. I couldn't see whether it was a</p> <p>24 combination or key. I don't know. Never got that</p> <p>25 close.</p>
<p style="text-align: right;">Page 58</p> <p>1 A. I mean it was kind of like a box.</p> <p>2 Q. Okay.</p> <p>3 A. I know there was almost like a doily on top of it and</p> <p>4 I think there was -- as you were facing there was a</p> <p>5 sink and it was to the right of the sink. Is it a</p> <p>6 traditional sink, no, I would say not.</p> <p>7 Q. Somebody --</p> <p>8 A. But I didn't look that close --</p> <p>9 Q. Did you stop?</p> <p>10 A. No.</p> <p>11 Q. Okay. So, you just kept on walking and Miss Anderson</p> <p>12 said there's the safe, something like that?</p> <p>13 A. No, there was some mention of -- this is not a quote.</p> <p>14 Q. Right.</p> <p>15 A. Miss Anderson making a comment that somebody did</p> <p>16 something to the safe or somebody opened the safe or</p> <p>17 the safe was opened, but it was clear that she had no</p> <p>18 knowledge as to who and we just kept on walking.</p> <p>19 Q. So, didn't even stop, just kept on walking?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you recall after she made those comments</p> <p>22 did you follow up with any questions about the safe</p> <p>23 with her?</p> <p>24 A. No, not that I recall.</p> <p>25 Q. Okay. I believe you testified that you noticed that</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. All right. To your knowledge do you know if Miss</p> <p>2 Anderson had any way to open the safe?</p> <p>3 A. Not that I know of.</p> <p>4 Q. Do you know who opened the safe?</p> <p>5 A. No.</p> <p>6 Q. Do you know if any of the documents that you requested</p> <p>7 from Miss Anderson for your investigation would have</p> <p>8 been in the safe?</p> <p>9 A. Not that I know of.</p> <p>10 Q. Do you know what ended up -- do you know what ended up</p> <p>11 happening with the safe?</p> <p>12 A. No.</p> <p>13 Q. Okay.</p> <p>14 MS. WOJNAR-RAYCRAFT: I think that's all I</p> <p>15 have. Yep. That's it. I'm done.</p> <p>16 MR. FISHER: I'm done.</p> <p>17 MS. MILLER: Do you have anything?</p> <p>18 MS. TERPSMA: No.</p> <p>19 (The deposition was concluded at 11:29 a.m.</p> <p>20 Signature of the witness was not requested by</p> <p>21 counsel for the respective parties hereto.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

MARGARET RYNIER
December 21, 2017

Page 61

1 CERTIFICATE OF NOTARY
2 STATE OF MICHIGAN)
3) SS
4 COUNTY OF WAYNE)
5

6 I, Nora Morrissy, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded by me stenographically and
10 reduced to computer transcription; that this is a
11 true, full and correct transcript of my stenographic
12 notes so taken; and that I am not related to, nor of
13 counsel to, either party nor interested in the event
14 of this cause.
15
16
17
18
19

20
21 
22

23 Nora Morrissy, CSR-2642
24 Notary Public,
25 Wayne, County, Michigan.
My Commission expires: 9-13-19

MARGARET RYNIER
December 21, 2017

Page 62

A				
a.m 1:17 5:3 14:11 38:21,22 39:6 40:6,7 50:14,15 60:19 ABA 7:22,22,24 8:2 ability 57:3 able 43:7 access 19:16 accessing 20:2 accommodate 43:13 account 35:19 56:9 accounting 46:10 accounts 56:4 act 19:4 action 33:17 34:15 actual 14:23 15:5 20:17 25:20 additional 22:11 address 34:11 administrative 14:17 15:19 16:10,19 18:19 19:3,11 39:23 40:3,11 administrator 14:16 16:22 21:1 42:18 51:18 Administrator's 45:23 adopt 11:17 12:5,8	affiliation 8:5 African-Amer... 36:21 ago 21:25 agreement 32:5 airline 38:19 al 1:9 allegations 21:6 21:7,8 33:11 34:22 alleged 28:21 29:24 30:16 31:14 allowing 21:11 ALLYSON 3:1 American 7:20 amount 48:24 Anderson 3:15 20:6 21:18,24 22:5,20 23:7 23:12 42:5,22 44:6 50:19,24 51:12,17 52:2 52:4,15,19,22 53:9,13,18,21 53:23 54:17,24 55:3,6,10,10 55:18 56:11,17 56:25 57:4,11 57:16,23 58:11 58:15 59:4 60:2,7 Anderson's 22:20 answer 5:19,20 6:2,8 8:16 40:4 47:24 54:22 answered 20:12 answering 6:23 20:7,14	answers 5:16 25:1 61:9 anybody 20:19 33:1 38:9 40:25 43:18,20 43:20 45:22 46:21 47:20,25 48:4 49:17 50:7 59:21 anymore 8:13 13:24 anyway 51:25 anyways 54:23 APPEARAN... 2:1 appeared 30:8,9 36:11 Appearing 2:10 2:20 3:7,15 applies 6:3 appointed 19:4 apportion 56:3 appreciate 50:4 appropriate 27:8 approval 25:14 27:17 approve 27:22 approved 13:16 27:19 28:19 April 40:13,21 area 10:17 argue 12:7 arguing 11:16 arrive 42:21 article 18:13 33:22 35:15 articles 31:2,4 31:16,22 33:12 33:18 34:22	35:4,5,14,16 aside 49:17 asked 20:1,9 23:9 33:24 42:5 45:20 48:18 53:20 54:1 56:16,23 57:1 asking 5:15 21:3 26:22 30:19 33:7,21 34:2 38:4 47:5 48:2 49:9,20 56:19 59:18 assigned 20:16 Assistant 2:13 associate 10:10 10:15,20,21 11:1 associated 44:4 Association 7:20 7:20 associations 7:19 assuming 32:25 59:22 aterpsma@w... 3:6 attached 4:14 attempt 23:14 attempts 24:12 attendance 54:18 attention 31:6 31:10 attorney 2:13,15 9:3,4,17,20,20 9:22 13:24 17:13,17,19 18:1,13,14	20:16,21,22 25:24 26:2 36:4 attorney-client 27:3,14 29:3 attorneys 5:11 10:10,18,19 17:6 24:17 26:12,13,22,25 31:6 32:14,16 32:23,24 33:17 34:5 41:12 48:9 49:1 audit 15:1 52:10 authority 17:23 21:3,4 authorizes 10:3 10:4 automatically 56:3 aware 14:1 16:18 18:13 30:15 32:18,19 32:20,22 33:1 33:22 34:8,12 34:21 36:20 45:1,3 48:17 awhile 36:15
				B
				back 38:22 40:7 42:18 50:15 background 6:25 Bar 7:20,20 barred 13:20 Barron 35:8 based 31:2 33:17 basically 49:19

MARGARET RYNIER
December 21, 2017

Page 63

basis 32:3 bathroom 44:3 44:5 57:20 began 12:17 behalf 2:10,20 3:7,15 believe 7:21 10:17 15:10 19:12 22:16,17 23:6,16,23 24:7 27:3,7,13 29:1,9 30:12 30:23 33:18,19 35:6,16 37:15 38:12 41:5 44:2,18 47:8 51:14,15 52:5 54:8 56:6,14 57:2,3,16,19 58:25 59:6 believed 27:10 bell 15:13 best 22:10,24 57:3 beyond 12:14 20:8 Birmingham 2:7 birth 6:22 Borman 1:8 Boulevard 1:15 box 58:1 break 6:11,14 50:11 brief 11:14 18:15 26:6,9 26:11 35:22 36:3 briefs 11:6,8,9,9 11:11,12	Broadcast 7:12 broke 13:5 broken 44:13 Brown 29:10 35:18 36:5 Byron 35:13 <hr/> <p style="text-align: center;">C</p> <hr/> C 35:13 calendars 23:9 42:5 45:21 53:13,15,16,20 53:25 54:3,4,6 54:10 call 9:11 called 5:6 49:7 51:16 calls 46:22 capacity 11:1 41:17 case 1:7 10:22 14:4 23:15 29:17 45:6 49:14,18,22 54:12 cases 10:3,5 24:3,8 56:22 categories 48:25 cause 61:14 certain 20:10 23:23 47:9 52:21 54:8,21 56:4 certainly 36:22 41:10 CERTIFICA... 61:1 certify 61:6 chance 22:21 changes 27:24	Charlene 37:21 46:3 check 52:3,16 52:18,23 checks 23:11 37:8,12 52:4,5 52:8,13,16,17 52:23 53:10 chief 19:4 48:17 choosing 10:21 circumstances 35:7 36:4,10 city 13:24 48:1,4 48:5 Civil 5:14 clarify 5:25 23:22 clear 19:25 23:18 34:3 58:17 clearly 25:13 clerked 8:12 clerks 21:21 23:1 56:8 clerkship 7:7 8:18 close 12:17 19:12 44:14 49:20 58:8 59:25 closed 25:12,15 25:17 33:2 college 7:4,5,9 8:8,9,9 combination 59:24 come 23:23,25 30:7 37:10 comes 17:22 26:15	Commencing 1:17 comment 58:15 comments 10:1 58:21 Commission 8:23 9:2,7,12 10:1,2,4 11:9 11:12,14,16,24 12:5 13:17 16:13,14 17:3 17:11,22,23 18:1,4,15 21:3 24:24 25:7,18 26:9,10 27:19 27:20,22 28:18 28:19 32:16,18 33:3 35:3,23 36:3 37:1 39:13 48:2,7 61:25 commissioners 17:16 25:11 33:6 34:4,5 46:13,18,23 47:3,5,23 48:21 49:4 committed 30:17 Committee 7:24 8:2 committees 7:22 communication 47:25 communicatio... 45:22,25 46:25 47:1,18 48:8,9 48:14,22 49:1 community 22:2 52:2	compare 29:6 29:23 compared 28:22 complaint 12:21 15:25 23:15,20 23:24,25 24:2 24:4,13 27:17 27:23,23 28:4 28:5,8,9,15,20 29:5 30:1 32:1 32:9 35:20 36:1 38:24 39:14,24 complaints 10:2 28:23 29:7 complete 8:7,10 completed 6:7 completely 44:19 59:1 computer 22:8 55:23 56:1 61:10 concluded 60:19 conclusions 11:15,21 12:3 conduct 28:22 28:22 29:6,8 29:24,24 41:1 conducted 15:1 33:20 40:18 conducting 33:19 confidential 30:23 connection 24:20 45:5,9 45:13,17 46:19 47:14 consider 28:21 36:5
---	---	--	---	---

MARGARET RYNIER
December 21, 2017

Page 64

consideration 29:19 35:25	correctly 37:20	61:22	depending 42:4	discovery 30:24
considered 29:12,15,16,21 29:22	costs 22:9 56:1	cut 6:4	deposed 49:11	32:6
considering 16:25 29:5	Council 48:5	D	49:13,14,15	discuss 24:22
consistent 39:18	counsel 49:17	date 6:22 39:3	deposition 1:14	25:2 32:2
contact 46:14,18 46:20 47:8	60:21 61:13	39:17,19 40:4	4:16,17 5:12	52:12 55:6
content 35:4	County 7:7 8:18	40:17,20 49:9	14:10 39:5	discussed 25:24
CONTENTS 4:1	8:19,22 61:4	61:7	49:6,16,19,24	discussing 26:25
context 36:18	61:24	dates 40:1 51:20	54:13 60:19	discussion 26:6
contrary 30:23	couple 38:8	David 15:12	61:7	27:14 40:5
controlled 19:16	course 9:13	35:11 47:2	describe 7:3 8:7	discussions
convenient 42:17,19	35:21	day 19:13	9:22 10:25	22:13 23:4
conversation 42:4	court 1:1 5:20	days 25:22,22	20:23	27:1 33:2
conversations 21:23 22:15	6:2 11:8,10,13	26:3 55:4	designations	disrupt 42:15
46:4 53:14	11:18 12:2,6,7	deal 23:19	9:19	43:15
cooperate 20:7	14:16,17 16:22	Deb 46:3,4	detail 12:16	District 1:1,2
cooperated 19:20	18:19,21,22,24	Deborah 14:7	details 24:8,9	19:5 30:5 35:8
cooperative 57:4	19:5 20:25	14:15,21 16:3	49:21	38:5,6 40:25
copies 23:10	24:25 30:5,9	16:6	determine 11:24	41:17 45:17
copy 53:20	33:13,20 35:9	December 1:18	determining	divide 10:18
correct 7:14	38:5,6,12	5:2	28:20 35:25	DIVISION 1:3
8:25 9:21	40:12,25 41:12	decent 48:24	Detroit 1:16 5:1	docket 23:10
11:20 14:3	41:17,22 42:14	decide 17:6,25	7:10,16	45:20 56:17,22
15:6 16:4 17:4	42:18 43:14	18:7	difference 11:23	57:1
17:10,12 18:17	45:17,23 49:16	decided 29:25	differences	document 26:23
19:21 25:5,19	51:17 54:18	deciding 35:19	11:11	documents
38:7,20 40:22	56:1	decision 11:17	different 9:18	20:10 23:5,8
41:4 44:12,16	courtesy 42:15	Defendant 2:20	11:19 23:2	36:24 37:4,4,7
54:14 57:24	courthouse	3:7,15	32:19 33:23	38:3,4 42:25
59:2,17 61:11	13:20 20:10	defendants 1:10	direct 43:18	44:22 45:4,8
	21:11 23:5	22:10	directed 43:20	45:12,16 49:10
	42:11 50:24	degree 7:13	director 9:14	55:11 56:20
	51:12,21 57:11	48:18	20:22 24:19	60:6
	59:3	degrees 7:17	25:6,8,11,14	doily 58:3
	cover 35:23	deliberating	25:18,25 26:11	door 44:18
	covered 33:18	18:5	26:14,17 28:2	doors 25:12,15
	36:3 48:24	deliberations	28:13	25:17 33:2
	50:22	17:5	discipline 7:25	doubt 40:16
	Cox 3:10 50:18	Department	24:19,19 25:7	47:21
	cross 50:20	2:15	25:21,21 27:7	drafted 26:12,13
	CSR-2642 1:19		disclosed 32:8	Drive 3:11

MARGARET RYNIER
December 21, 2017

Page 65

duly 5:7	examiner 10:16	familiar 7:24	14:14 27:6	28:4,5,8,8,15
duties 9:22	10:22 11:2	8:1 12:9 29:10	28:2 43:14	28:20,23 29:5
E	examiners 10:10	30:3 42:8	Fischer's 49:14	29:7 30:1,21
earlier 40:24	10:20	far 7:22 10:18	Fisher 2:3 4:7	30:22 32:1,9
55:22	example 18:11	20:2 26:25	5:10,10,19,24	35:20 36:1
easier 8:11	25:7,22 42:23	27:6	6:6,17 7:2	38:24 39:2,14
EASTERN 1:2	exams 30:12	Federal 5:14	14:12 22:12	39:24 45:10,18
education 7:3	executive 9:14	fees 55:25	27:5,16 29:4	53:4,6
efficiently 50:12	20:22 24:18	file 15:8 27:17	30:25 32:3,11	former 43:16
egregious 18:13	25:6,8,11,14	28:20 29:5,25	32:13 33:9,24	forms 52:18
eight 10:17	25:17,24 26:11	filed 11:7 13:4,5	34:2,9,13,14	forth 61:8
either 11:8 13:3	26:14,16 28:2	13:7,17,23	37:24 38:2,23	forward 7:4
26:7 27:11	28:13	14:6,21,25	39:7 40:8,22	found 18:14
61:13	Exhibit 4:13,16	15:4,12 16:3,5	40:23 50:7,21	frame 16:12
electronic 54:3	4:17 14:10,13	16:8,13 17:24	60:16	free 12:7
employment 8:7	39:5,9 40:9	24:4,4,13 28:8	five 21:13,25	front 30:8,9
ended 60:10,10	Exhibits 4:11,14	28:15,23 36:1	55:15	36:11 39:8
enter 21:11	existing 16:7	38:25 39:13,24	flight 37:10,25	45:6
entered 30:24	exists 8:1,4	filing 16:11	38:18	full 6:18 61:11
32:10 33:14	26:24	23:15,19	Floor 2:16	fund 52:3
57:22	expenditures	filled 15:10	focus 53:5,7	funnel 56:8
entering 13:20	22:1	financial 21:7,8	folks 17:9 38:5,7	further 21:3
22:9	expenses 22:1	29:17	40:25 41:2	G
et 1:9	55:8,11,19	finding 11:6,21	46:21 48:24	game 21:15
evaluating 21:1	expires 61:25	12:3 23:5	follow 18:10	gathered 21:5,6
evenly 10:20	explain 46:9	findings 11:15	58:22 59:4	21:9
event 61:13	express 52:25	11:20	follow-up 50:10	gathering 21:1
events 16:16	extent 19:23	fine 23:2	following 21:4	general 2:13,15
everybody 34:6	F	finances 22:9 55:25	follows 5:9	29:6,21
evidence 10:7	facing 58:4	56:13	foregoing 61:8	gentleman
11:4 21:1,2,5	fact 11:6,15,21	finish 6:1,9,12	form 15:5,8,10	13:19
56:7	27:23	firm 3:10 8:13	27:7	give 17:23 39:3
exact 39:3,17	factors 29:10,20	50:18	formal 7:3 10:2	40:3 43:8
exactly 40:1	35:19,23,24	first 5:7 13:1,6	10:3,11,23	53:23
55:12 56:14	36:5	13:17,22 39:2	11:2,3,7 12:20	given 5:16 10:22
EXAMINATI...	facts 12:3 29:16	39:12 40:9	15:25 23:15,19	go 7:9,15 10:18
4:6,8 6:16	faint 15:3 16:5	48:3,8 49:11	23:24,25 24:2	11:11,12 18:1
50:16	fair 19:15 28:14	57:9	24:4,13 25:4	18:4 26:10
examined 5:9	32:17,23	Fischer 3:7,18	26:15,23,24	27:13 41:16
		6:23 9:10,14	27:17,22,23	

MARGARET RYNIER
December 21, 2017

Page 66

43:2 50:20 52:15,18 goes 7:22 25:15 26:8 27:6 29:1 37:15 going 7:4 8:8 10:19,21 17:7 17:14 27:2,12 28:25 30:18 31:24 33:8 37:14,17 41:12 42:12,19 51:21 51:24 54:23 good 6:4 grab 43:8 graduate 7:17 graduated 7:5,6 8:8 Grand 1:15 3:4 granted 28:18 Green 14:7,15 14:21 16:3,6 46:3,5,7 grievance 13:10 13:17,23 14:2 15:5,7,8,14,18 15:21 16:3,8 17:16 grievances 13:14 17:2,8 grievant 14:23 guess 14:19 31:12,13 guessing 41:19 51:2 guys 41:8	47:18 handing 14:13 happen 14:4 26:5 happened 18:12 19:9,10,11 30:20 happening 19:8 60:11 happens 25:20 hear 49:8 heard 13:1 35:3 57:9 hearing 10:8 11:3,7 26:15 26:18,19,20,24 31:16 39:2 51:5,6,8,9 53:4 53:6 54:15 59:8,11,15,16 59:16 hearings 10:4,5 10:24 heart 56:9 held 40:5 hereinbefore 61:8 hereto 60:21 Hilliard 1:9 47:18 hindsight 19:7 hire 41:8 hired 9:6,9,10 9:15 10:23 history 8:8 hit 31:7 hold 43:2 Hon 1:8 hours 49:20 50:2,3	hundred 12:15 54:8 <hr/> I <hr/> idea 16:24 19:1 24:15 40:19 46:24 47:24 IDENTIFICA... 14:9 39:4 imagine 15:17 imposed 22:9 impressions 29:2 37:16 improper 52:23 53:10 55:19 improprieties 29:17 impropriety 21:8 include 32:22 35:6 47:7 48:5 included 21:9 includes 32:16 including 32:14 increases 22:18 Independence 8:3 independent 17:15 independently 16:25 17:7,21 indicated 13:14 individual 9:8 42:14 infamous 57:7 informal 42:10 42:13 information 20:2,5,5 21:6 30:19 33:11	53:3,15 56:11 Initials 6:21 initiated 13:15 Inkster 48:1 insofar 30:19 31:25 33:15 instance 13:1 43:7 instances 26:2 41:21 interested 41:23 42:1 44:20,23 61:13 interim 19:4,17 39:9 interrupt 6:7 interview 38:10 42:4 46:21,22 interviewed 9:8 40:24 interviewing 9:25 20:25 21:17 interviews 38:4 38:9 41:1 investigate 20:16 42:11 59:12 investigating 9:23 12:11 24:21 investigation 9:23 12:13,16 12:23 13:2,4,5 13:7,8,11,13 13:15,16 14:2 14:6,22,24 15:9,11,24 16:21 17:1,8 17:15,21,24	18:2,25 19:21 19:24 20:3,17 20:23 21:4,9 31:2 36:8,23 39:21,25 41:11 45:10,14,18 47:11,14 48:15 48:18 51:12 53:1,5 55:2 56:10,10,12 57:5,14 60:7 investigations 9:24,24 15:23 32:7 33:19 40:18 41:1 46:19 investigators 41:8 involved 19:24 29:17 issue 22:18 23:11 38:7,11 53:14 55:2,16 59:8,15 issued 38:15,16 38:17 items 45:1 <hr/> J <hr/> James 1:5 12:9 12:12,21,23 13:2,15 15:18 15:24 16:10,18 17:1 18:18 19:2,2,21,24 20:3,17 22:6 22:16,17,19 24:13 26:17 27:6,9,18 28:7 28:16,21 31:21
---	--	---	---	--

MARGARET RYNIER
December 21, 2017

Page 67

34:23 35:25 36:7,17,24 38:25 39:22 40:11 42:24 45:6,19,24 47:2,15,19 48:1,10,19 49:2 56:7 James' 14:4 19:16 21:20 22:15 29:24 41:10 43:16,21 43:23,25 44:4 45:5,9,13 54:7 54:18,25 55:7 January 8:21 Jeanmarie 2:12 49:7 jeans 13:21 jerks 50:1 jfisher@morg... 2:9 JIS 56:1 Jones 15:12 47:2 47:8 Jones' 15:14,18 15:21 Joshua 2:3 5:10 JTC 9:6,11 10:18 12:11,18 12:20 14:1 15:23 16:9,9 16:25 17:7,14 17:20 18:25 23:14,19 28:23 29:6,25 30:15 31:1,6,10,13 32:14,15,22,25 33:5,11,16 34:1,3,3,15	35:18 36:23,24 37:5 38:6 41:6 41:12 44:23 45:6,22 46:25 47:1,4,7,17,25 48:8,21 JTC's 12:23 19:20 31:23 36:7 Judd 3:2 judge 12:9,12,21 12:23 13:2,15 14:4 15:18,24 16:10,18 17:1 18:18 19:2,2,3 19:4,15,16,19 19:20,21,23,24 20:1,3,6,9,12 20:14,17 21:19 21:20 22:6,13 22:15,24 23:4 24:3,13,20 25:9 26:4,17 27:6,9,18 28:7 28:16,21 29:24 30:3,4,17 31:5 31:17,21 32:9 34:23,25 35:11 35:13,16,25 36:7,17,24 38:25 39:22 40:11 41:10 43:16,21,23,25 44:4 45:5,6,9 45:13,19,24 47:2,15,19 48:1,10,10,17 48:17,19,22 49:2 54:7,18 54:25 55:7	56:7 judges 10:2 28:22 29:7,25 33:12 35:6,7 judges' 32:7 judicial 7:7 8:2 8:17,23 9:1,11 32:6 June 14:14 <hr/> K K 35:13 Kandrevas 31:21 34:23 keep 16:11 21:13 25:10 43:13 52:5 54:11 kept 58:11,18,19 key 59:21,22,24 Kimberly 35:8 kind 22:1 25:23 26:22 42:7 43:1 58:1 knew 16:1 22:2 know 6:8,12,13 8:1,4,10,17 9:11 13:8,14 13:19,19,22,23 14:6,20,24 15:11,23 16:2 16:25 17:5,14 17:19 18:18,24 19:2,6,7,7,8,10 19:12,15,23 20:1,9,11 21:18,19,19 23:11 24:3,12 25:1 27:11,17 28:4,7 29:16	29:16 30:6 31:7,10,15 32:18,20 33:1 34:13,15 35:4 35:24 36:2,6 36:14,16 37:8 37:8,9 38:15 38:17,24 39:1 39:21 40:2,24 41:7,14 42:7 43:20,23,24,25 44:3,5,8 45:4,8 45:12 46:13,15 46:16,18,23 47:5,6,10,20 48:21,23 49:5 52:25 53:8,14 54:22 55:2,9 55:16 58:3 59:21,22,24 60:1,3,4,6,9,10 60:10 knowledge 19:18 27:11 45:15 48:6 58:18 60:1 Konschuh 35:13 35:17 <hr/> L Lansing 2:17 lasted 51:9 Laurel 3:11 law 3:10 7:5,15 8:11,12,17 11:15,22 12:3 50:18 lawyers 25:3 learn 30:7 learning 31:13	leave 15:19 16:10,19 18:19 19:3,11 39:23 40:3,12 led 15:25 left 22:20 42:23 lesser 27:7 letter 14:14 27:8 letters 56:2 level 32:1,8 liberty 32:2 lieu 23:19 limited 32:25 limiting 33:8 line 6:12 little 42:16 50:11 Livonia 3:12 LLP 3:2 long 8:19 16:15 longer 21:20 look 14:20 20:9 40:9 44:13 57:25 58:8 looked 44:16 looking 31:13 41:13 56:23 lot 23:8 56:21 Lyon 3:3 <hr/> M mailed 43:9 main 29:14 maintained 53:16 maintaining 23:9 major 7:11 29:18 making 58:15
--	---	---	---	---

MARGARET RYNIER
December 21, 2017

Page 68

management 7:12	42:12 50:23 51:1,13,16	37:11 43:13 52:5 54:11	22:19,21 42:24	22:20 26:21
Marc 35:8	52:15	minutes 50:22	niece 21:20	30:6 31:8,23
March 7:1	meets 25:11	misconduct 30:16	22:15	41:3 42:23
Margaret 1:14	Melissa 3:9	missing 21:12	Nora 1:19 61:6	43:16,21,23
4:4 5:5,13 6:19	50:18	money 56:8	61:22	44:1,2,4 45:5,9
Mark 31:17	member 7:19	months 25:23	Norcross 3:2	45:23
marked 14:9,13	47:17	Morganroth 2:4	North 2:5 3:11	oh 9:10 19:9
39:4,9	memo 18:15	2:4	Notary 61:1,23	21:15 25:2
Mary 30:3	memory 15:2,3	Morrissy 1:19	notes 61:12	30:9,13 54:5
master 10:8	15:20 16:5,7	61:6,22	notice 5:13	okay 6:5,15,25
11:4,19,21,23	16:11 21:15	motions 11:7	42:15	7:17 8:19 9:13
12:1,2	39:18 55:15	mraycraft@...	noticed 44:18	10:25 12:4
master's 11:15	mental 29:2	3:14	58:25	15:11 17:13
materials 41:22	37:15		notified 18:24	18:1,6,9 20:19
41:25 42:3	mention 58:13	N	notify 17:17	24:6 25:10
43:1	met 21:19,19	N 35:13	NS 6:21	27:6 30:9 31:9
matter 5:11 29:8	36:7,17,20	name 5:10 6:18	number 28:9	38:19 45:25
McLemore 15:1	48:11,13 51:4	6:20 13:24	39:14	51:3,15,20
23:13 37:20	53:12	21:20 22:16	NW 3:3	52:7,11,18,22
46:3,7,8 52:6	Michigan 1:2,16	names 8:13 32:7	O	53:2,9,19 54:3
52:14	2:7,14,17 3:4	32:7	O 35:13	54:15,17,20,22
McLemore's	3:12 5:1 7:20	nature 15:21	oath 5:16 16:23	55:3,10,14,18
37:9,21	14:16 18:21,24	20:13,23 21:23	object 27:2,12	55:21 56:11,19
mean 8:12,16	40:12 45:23	23:21 27:1	37:17 59:10	57:21,23 58:2
9:11 12:15,25	61:2,24	46:4 48:14	objected 34:16	58:11,21,25
13:11 17:3	middle 6:20	need 6:11 16:22	objecting 33:10	59:3,7,9,14
18:4,21 19:25	Mike 3:10 50:18	38:6	objection 29:1	60:13
21:11 22:5,6	Miller 2:12 6:25	needed 46:10	30:19 31:25	Old 2:5
23:18,22 24:20	27:2,12 28:25	negotiations	32:4 33:9,13	once 11:16
25:3 27:20	30:18 31:24	24:7	37:15,23 38:1	20:17 26:21
41:18 46:21	32:5 33:15,25	neither 57:22	obtain 23:12	37:1
58:1 59:15	34:7,10,16	never 18:4 44:14	obtained 45:4,8	ones 24:24
media 18:13	37:14,23 38:1	57:22 59:24	45:12,16	open 14:1 15:9
31:2,4,15,16	40:20 50:8	news 13:3,5	Obviously 41:19	17:7,14,14,25
33:12 34:22	60:17	31:22 33:17,22	occurs 24:10	18:2,8 31:1
35:15,16	millerJ51@mi...	Newspaper	October 39:11	44:17 60:2
meeting 20:25	2:19	35:14	39:14,23	opened 18:25
22:19 59:3	mind 16:11	Nicole 22:16,17	office 7:8 8:18	20:17 36:23
meetings 21:18	21:13 25:10		8:20,22 14:17	44:9,11,15
				58:16,17 59:23

MARGARET RYNIER
December 21, 2017

Page 69

60:4 opening 17:1,21 opinion 52:25 order 30:24 32:9 33:13,20 ordered 40:12 organizations 48:25 organize 50:12 Ottawa 2:16 outside 36:17 41:6 override 56:5,8 overriding 22:8 55:23 56:13	payments 56:4 people 21:11 23:2 41:6,11 41:13 46:18,22 48:25 percent 12:15 54:8 perform 48:18 period 16:15 permit 6:8 personally 30:4 33:22 34:12 petition 39:9 phone 46:22 picture 42:9 pinpoint 39:20 place 28:25 30:18 31:25 37:14 39:21 placed 15:19 16:10,18 18:18 19:3,11 39:22 40:2,11 plaintiff 1:6 2:10 5:11 please 8:7 16:11 21:13 43:13 PLLC 2:4 3:10 plus 50:2 point 21:13 22:11 26:18 35:1,2 45:11 47:12 pointed 57:16 57:23 pointing 44:7,8 policies 21:10 policy 43:14 position 9:1 11:17 12:7	possibility 53:6 possible 42:16 50:13 potential 30:16 31:14 potentially 29:2 Powers 24:3 practice 29:8 preamble 39:13 40:10 predicament 22:23 prefacing 32:21 34:1 preliminary 30:12 preparation 9:25 11:5 51:8 prepare 10:5 49:6 preparing 11:3 35:22 59:11,18 present 3:17 10:7 11:17 18:7,14 53:4 presentation 11:4 16:12 presented 16:9 16:13 27:24 presenting 21:2 press 31:7 presume 9:14 10:13 36:20 38:3 presuming 37:17 pretty 6:10 10:20 42:10 previously 28:24	primarily 20:24 prior 15:24 26:24 29:6 30:24 36:7,16 private 41:8 privilege 27:4 27:14 privileged 29:3 privity 17:5 probably 54:15 problem 54:25 55:4 Procedure 5:14 procedures 21:10 proceeding 30:21 45:10 proceedings 10:11 11:2 30:22 42:16 45:18 51:7 process 17:20 42:8 product 27:3,13 29:1 37:16 professional 7:19,25 program 22:2,7 56:2,8 prohibited 13:20 promotions 22:18 pronouncing 37:20 proposed 11:5 27:23 28:5 prosecutor 30:14 36:12 41:18	Prosecutor's 7:8 8:18,20,22 30:5 31:8 provide 26:16 42:14,21 56:11 provided 56:15 56:25 57:2 Public 61:23 purpose 54:6,9 56:19 pursuant 5:13 pursuing 12:20 put 54:17
<hr/> P <hr/>				<hr/> Q <hr/>
page 4:3,13 39:12 40:9 pair 13:21 Pam 21:18 22:5 50:19,21,24 51:17 52:12 Pam' 22:19 paper 54:3,5 paragraph 39:12 Park 3:11 parse 23:1 47:4 part 39:2,25 53:3 56:10,12 particulars 48:16 parties 60:21 parts 38:8 party 61:13 Paul 1:8 3:18 14:14 pay 22:18 paying 55:25				question 5:25 6:1 12:24 22:25 25:1 29:23 32:21 33:15,23 34:17 34:18,25 37:18 40:17 47:22 49:4 51:25 54:23 questioning 6:12 41:13 questions 5:16 20:7,13,14 22:8 32:25 34:11 46:12 50:8,9,11,21 57:7 58:22 61:8 quick 6:11 quite 55:22 quote 58:13
				<hr/> R <hr/>
				ran 22:7 Rapids 3:4 Raycraft 50:18

MARGARET RYNIER
December 21, 2017

Page 70

<p>reached 24:1 read 14:18 35:17 ready 53:4 reason 6:11 38:14 40:15,16 recall 12:11,13 12:15,20 15:14 15:17,21 16:3 16:8 21:16,25 22:8,10,22,24 30:2 31:5,16 34:24 36:2 37:7,11,12,19 38:10,11 39:3 46:6,6 48:6,15 48:20 51:1,4 51:20,24 52:19 52:20 53:11,25 54:11,19 55:1 55:5,20,25 56:25 58:21,24 received 15:15 17:2,8 33:11 36:25 37:5,8 receiving 17:15 Recess 38:21 50:14 recollection 14:21 39:17 recommend 24:25 recommendat... 12:6 25:4,6,13 26:9,15,16,23 28:12,12,15 recommendat... 12:1 24:18,22 24:23 recommending</p>	<p>11:25 record 5:12 6:3 38:22 40:5,7 50:15 recorded 5:20 61:9 records 37:10 37:25 38:12,18 52:16 reduced 61:10 referring 40:21 refresh 15:2 39:17 refreshes 14:20 regard 27:18 32:6 49:2 regarding 15:24 17:1 23:4 24:19 25:7 26:17 31:5,17 33:13 34:22 35:7 36:23 45:18,24 47:2 47:18 48:1,10 48:19 49:9 54:7,18 55:7 regards 55:16 regional 14:15 reimbursement 55:7 reject 12:5,8 related 20:2 21:6,25 22:18 22:23 48:15 50:21 61:12 relating 55:11 relatively 42:13 remember 8:14 14:5,25 15:1 16:1 21:7,20</p>	<p>22:14,19 23:9 31:22 36:14 38:17 44:5 48:16 49:15 removed 45:1 repeat 34:18 50:12 report 25:13 26:8,10 28:5 37:9,22 reporter 5:21 6:2 reports 9:25 18:7 21:2 46:9 46:10 represent 50:19 representation 44:17 represented 44:7 57:17 request 9:24 10:1 13:3,4,11 13:13 14:6,22 15:11 16:21 28:1 47:11,14 52:18 54:17 requested 23:8 27:18 42:25 56:7 57:2 60:6 60:20 requesting 37:5 38:3 requests 9:23 11:5 13:7,8 52:3,24 requires 11:5 resignation 23:20 24:5 respect 22:25 23:7 38:3</p>	<p>41:10,18 46:12 47:22 48:3 respective 60:21 respondents 10:1 responding 11:6 responsibilities 11:1 rest 42:5 review 36:24 49:10 54:9 reviewed 26:13 37:4,7,9,10 54:11 reviewing 9:23 54:6 right 17:22 18:3 22:17 34:9,9 43:16 52:9 57:7 58:5,14 60:1 rings 15:13 rise 32:1 roles 10:25 room 25:10 42:12,21 rose 32:8 Rules 5:14 run 22:3 Rynier 1:14 4:4 5:5,13,15 6:19</p>	<p>59:21 60:2,4,8 60:11 sanctioned 25:3 sanctions 12:2 saying 18:11 25:22 33:12 44:16 says 39:10 SCAO 15:4 16:6 45:25 46:14 schedule 42:11 scheduled 42:20 school 7:6,15 8:11,12,17 search 41:22 43:16,21 searched 43:23 see 39:8,12 40:10,14 44:5 47:11 59:23 seek 35:19 seeking 33:16 senior 9:17 separate 16:12 56:9 separately 32:24 series 5:15 Servaas 34:25 serve 10:10,19 served 10:15 19:16 service 22:2 52:3 serving 48:19 set 35:7 51:16 61:8 setting 51:17 settle 23:15 24:12 settlement 23:18</p>
--	--	---	--	---

MARGARET RYNIER
December 21, 2017

Page 71

23:22 24:1 settlements 23:16 seven 10:17 severe 29:18 sheets 23:10 45:20 56:17,22 57:1 shorten 17:17 show 5:12 showed 43:9 shut 44:19 59:1 side 11:8 signature 28:3 60:20 signed 26:14 28:4,12 significance 37:12,19 silly 42:7 similar 29:23 simply 55:15 simultaneously 19:13 sink 58:5,5,6 six 25:22 51:9 Small 35:8 somebody 15:7 58:7,15,16 someplace 44:6 Somers 31:17 sorry 8:15 12:24 13:9 20:4 22:10 23:3 34:18 45:7 48:12 51:21,23 54:2 sound 42:7 SOUTHERN 1:3	speak 20:6 47:13 speaking 21:15 33:6 35:22 specific 20:4 56:22 specifically 36:2 56:21,24 spelled 35:13 spoke 14:24 15:2 42:23 49:19 spoken 49:17 spot 43:8 SS 61:3 staff 9:3,4,17,20 9:20,22 10:10 10:18,19 17:6 17:13,17,19 18:1,12,14 20:16,21,22 24:17 25:24 26:2,12,13 27:15 31:6 32:14,16,23,24 33:16 34:5 36:4 38:10 41:12 47:7,17 48:9 49:1 Standing 7:24 8:2 start 17:20 started 7:5,7 9:2 23:16 35:3 State 2:14 14:16 16:22 61:2 stated 40:24 states 1:1 39:13 40:10,11 stenographic	61:11 stenographica... 61:9 Steven 34:25 stop 58:9,19 story 13:5 Stowe 35:11 Street 2:16 3:3 strike 19:19 24:16 41:15 46:25 stuff 24:22 45:21 subject 31:12 subpoena 37:5 38:9,11,17 subpoenas 38:7 38:14,16 suffice 15:9 suggest 32:11 Suite 2:6 3:11 summary 54:18 Supreme 11:8,9 11:12,18 12:2 12:6 14:16 18:19,21,21,24 24:25 40:12 45:23 sure 13:12,25 16:1 19:15 21:12 22:11 26:18,22 28:10 29:13 36:2 37:11 42:2 45:20 46:10 50:12 55:22,23 59:9,9 suspension 25:8 26:3 39:10 Swastek 49:19	49:23 sworn 5:7 Sylvia 1:5 12:9 system 22:9 56:2 <hr/> T <hr/> TABLE 4:1 take 6:14 14:19 14:19 33:8,17 50:3,11 taken 1:15 5:13 38:21 50:14 61:7,12 takes 35:18 talk 22:21 26:21 46:22 talked 52:2 talking 21:9 34:4,4 37:1 38:8 47:3 49:23 tell 8:11,12 13:6 13:24 16:7 19:9,14 20:8 20:15 21:21 23:3,24 24:8,9 25:16 29:21 31:20 39:25 42:6 45:11 47:12 52:22 53:9 54:24 55:3,12,17,18 56:15,20,23 telling 22:22 Tenure 8:23 9:1 9:12 term 13:10 terms 12:2 20:24 21:10 24:23 32:7	33:18 34:1,10 56:20 TERPSMA 3:1 50:9 60:18 testified 5:9 16:2 28:11 31:1 34:7 35:18,20 42:25 49:15 51:15 52:13 55:21 58:25 testify 5:7 33:4 34:8 testimony 56:6 Thank 34:20 50:6 thing 6:3 13:11 14:19 25:23 43:2 things 26:25 29:14,21 35:21 41:13 52:1 56:16 think 6:10,13 7:21 14:18 16:2 18:2 21:21 24:11 26:3,23 31:7 33:22 34:7 36:19 38:18 39:10 47:13 49:3 50:3,23 51:4 52:1,8,12 52:17 53:12 54:22 55:12 58:4 60:14 thought 53:9 54:24 55:3,18 three 37:10 41:20 50:2,3 51:2,3,11
---	--	--	--	---

MARGARET RYNIER
December 21, 2017

Page 72

57:13 three-and-a-h... 49:20 Thursday 1:18 5:2 time 6:13 8:8 9:15 14:15,19 16:12,15 17:13 19:8 28:2 31:11 35:1,2 39:22 40:21 42:13,13 43:9 44:10 49:9,11 50:5 54:7,25 57:9 times 10:15 41:16 42:20 49:13 51:11 56:21 57:13 timestamp 39:10 today 49:6 55:22 top 58:3 topics 53:12 55:21 traditional 58:6 transcript 4:14 51:10 61:11 transcription 61:10 travel 55:7,11 55:16,19 trials 10:24 tried 50:20 51:10 true 16:21 17:6 23:14 24:17 25:5 61:11 truth 5:7,8,8 try 5:25 6:4	43:13 trying 10:3 21:25 42:9 two 16:15 19:13 35:6 40:1 41:19 47:4 51:2,3,11 57:13 type 21:5 types 20:13 42:3 <hr/> U <hr/> U 35:13 Uh-huh 13:18 ultimately 11:24 15:25 24:25 26:8 understand 5:17 5:22,24 9:7 12:24 13:10 21:15 32:15 33:5 46:11 understood 22:23 UNITED 1:1 University 7:10 7:16 use 13:10,13 usually 16:15 20:21 42:18 <hr/> V <hr/> Valdemar 19:3 varied 43:4,5,11 43:12 varies 16:17 verbally 5:19 visit 42:10 volition 14:2 vouch 33:3 vs 1:7	<hr/> W <hr/> wade 51:10 walking 44:6,6 57:10,19 58:11 58:18,19 want 17:19 27:25 32:19 34:13,15 39:1 42:15 47:5 49:8 56:1 wanted 15:7 23:21 34:3 39:19 Warner 3:2 Washington 19:4,15,19,20 19:23 20:1,6,9 20:12,14 21:19 22:13 23:4 48:10,17,22 wasn't 9:8 59:1 Waterstone 30:3,17 31:5 way 10:21 18:15 25:7,22 26:7 27:11 31:13,20 46:16 55:17 56:5 60:2 Wayne 7:7 8:18 8:19,22 61:4 61:24 ways 47:4 we'll 6:13 we're 18:4 42:12 We've 50:22 Wednesday 39:14 week 51:24 weeks 51:9 went 41:21	49:24,25 51:11 51:20 52:3 weren't 41:11 43:7 West 1:15 2:16 whatsoever 16:11 witness 4:3 5:6 5:18,23 6:5,15 22:6 60:20 witnesses 9:25 11:3 20:25 21:10,16 WOJNAR-R... 3:9 4:9 22:4 50:10,17 60:14 Women 6:23 wonderful 42:22 wondering 24:10 33:10 34:21 Woodward 2:5 wore 13:21 work 27:3,13 29:1 37:16 worked 38:5 working 8:24 works 42:9 wouldn't 15:17 41:7 46:16 writing 11:6 21:2 wrong 25:5 56:2 <hr/> X <hr/> <hr/> Y <hr/> yeah 8:1 18:11 25:3 27:19,21 27:22 37:3 39:18 52:12	years 21:14,25 53:25 55:15 Yep 60:15 <hr/> Z <hr/> <hr/> 0 <hr/> <hr/> 1 <hr/> 1 4:16 14:10,13 10:11 14:11 10:48 38:21 10:50 38:22 10:51 39:6 10:53 40:6 10:54 40:7 11:08 50:14 11:14 50:15 11:29 60:19 111 3:3 120 3:11 14 4:16 40:13 14th 7:1 14:14 40:21 15 50:22 17430 3:11 1956 7:1 1978 7:5 1979 7:6 1982 7:6 1985 7:8 8:21 <hr/> 2 <hr/> 2 4:17 39:5,9 40:9 2:12-CV-10273 1:7 200 2:6 2001 36:16 2008 36:16 2011 8:21 14:14
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MARGARET RYNIER
December 21, 2017

Page 73

39:1,15,18,23 40:13 2012 39:2,11 2017 1:18 5:2 21 1:18 5:2 22nd 19:5 38:5,5 40:25 41:16 45:17 248.864.4000 2:8 26 39:14,23 29 39:11	<hr/> 7 <hr/> 734.591.4002 3:13 <hr/> 8 <hr/> 88 15:25 28:9 39:14 <hr/> 9 <hr/> 9 7:5 9-13-19 61:25 9:56 1:17 5:3			
<hr/> 3 <hr/> 30 25:22 3030 1:15 344 2:5 36th 30:4 39 4:17				
<hr/> 4 <hr/> 48009 2:7 48152 3:12 48933 2:17 48th 35:8 49503 3:4				
<hr/> 5 <hr/> 5 2:16 50 4:9 517.373.6434 2:18 525 2:16				
<hr/> 6 <hr/> 6 4:7 60 25:22 26:3 60-day 25:8 616.752.2539 3:5				